

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION
3 IN THE MATTER OF:)
)
4 MARIA UNZUETA)
)
5 -VS-) No. 03-0446
)
6 PEOPLES GAS, LIGHT)
 AND COKE COMPANY)
7)
 Complaint as to cut)
8 of service in Chicago,)
 Illinois.)
9
 Chicago, Illinois
10
 October 22, 2003
11
 Met, pursuant to adjournment, at 2:00 p.m.
12
BEFORE:
13
 MS. LESLIE HAYNES,
14 Administrative Law Judge
15 APPEARANCES:
16 MS. MARIA UNZUETA,
 MR. MICHAEL UNZUETA
17 3536 West Hirsch
 Chicago, Illinois
18 appearing pro se;
19
20
21
22

1 APPEARANCES (Cont'd.):

2 McGUIRE WOODS, by
3 MR. BRIAN MCCARTHY
4 130 East Randolph, Suite 2300
5 Chicago, Illinois 60601
6 appearing for Peoples Gas, Light and
7 Coke Company;
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18 SULLIVAN REPORTING COMPANY, by
19 Patricia Wesley, CSR, RPR
20 License No. 084-002170
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1					<u>I</u> <u>N</u> <u>D</u> <u>E</u> <u>X</u>	
2					Re- Re- By	
	Witnesses:	Direct	Cross	direct	cross	Examiner
3						
	MIGUEL					
4	UNZUETA					37
				61		69
5				71		
6	MARIA					
	UNZUETA					73
7						
	DAVID					
8	DENHAM	76	105			120
9	MURIAL					
	MATHIAS	134	170			
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12						
13					<u>E</u> <u>X</u> <u>H</u> <u>I</u> <u>B</u> <u>I</u> <u>T</u> <u>S</u>	
14	Complainant's		For	Identification		In Evidence
	Nos. 1			52		60
15	2			52		60
	3			55		60
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	5			59		60
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	Respondent's		For	Identification		In Evidence
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1 (Respondent's Group Exhibit
2 Nos. 1, 2, 3 & 4 were marked
3 for identification.)
4 JUDGE HAYNES: Pursuant to the authority of the
5 Illinois Commerce Commission, I now call Docket No.
6 03-0446. This is the complaint of Maria Unzueta vs.
7 Peoples Gas, Light and Coke Company.
8 May I have your name and address for
9 the record, please.
10 MS. JOANNE UNZUETA: Her address is 3536 West
11 Hirsch.
12 JUDGE HAYNES: Archer?
13 MS. JOANNE UNZUETA: Hirsch, H-i-r-s-c-h.
14 JUDGE HAYNES: And what is your name?
15 MS. JOANNE UNZUETA: Joanne.
16 JUDGE HAYNES: What's Joanna's last name?
17 MS. JOANNE UNZUETA: Same last name.
18 JUDGE HAYNES: What's your relationship to the
19 complainant?
20 MS. JOANNE UNZUETA: That's my aunt and this is
21 my father.
22 JUDGE HAYNES: Okay. And are you going to be

1 translating for your aunt today?

2 MS. JOANNE UNZUETA: Yes.

3 JUDGE HAYNES: Okay. I need to swear you in.

4 Thank you. So please raise your right hand.

5 ((Witness sworn.))

6 We are going to start with the

7 complainant, Maria Unzueta. She gets to present her

8 side first.

9 MS. JOANNE UNZUETA: Okay.

10 JUDGE HAYNES: One moment. I also need to swear

11 you in.

12 MS. JOANNE UNZUETA: For her side, right?

13 JUDGE HAYNES: Yes.

14 Please raise your right hand.

15 (Interpreter sworn.)

16 Okay. You need to speak clear enough

17 and loud so the court reporter can hear you.

18 MS. JOANNE UNZUETA: She can start telling me and

19 I could tell you?

20 JUDGE HAYNES: Yes. One moment. You aren't on

21 the witness stand right now.

22 MR. UNZUETA: Okay.

1 JUDGE HAYNES: Please just translate what she
2 says in small chunks. She says a sentence, you
3 translate as opposed to you giving a shortened
4 version of what she says.

5 MS. JOANNE UNZUETA: Because we tried renting the
6 apartment. The people came in, didn't have no gas.
7 It was around August. They cut our gas like in
8 December or before December. They took the meter
9 also, so they came two times. She don't remember
10 that good, but it was before the time they said it.
11 They said, no, she don't.

12 First, they told her -- they were lying
13 to her. He said she -- they weren't going to change
14 the meter because it was old, and they never came
15 back or give them a paper saying they were doing
16 something illegal or they were stealing gas, nothing
17 that proves that they checked the meter saying that
18 there was a leak or whatever.

19 JUDGE HAYNES: Okay. Let's start at the
20 beginning. I don't have the background here. How
21 many apartments are we talking about? Who are the
22 parties involved? So first to your mother (sic),

1 ask her what property are we talking about.

2 MS. JOANNE UNZUETA: My grandfather owns the

3 house.

4 JUDGE HAYNES: You are not -- are you here as

5 a witness today or are you here only as a

6 translator?

7 MS. JOANNE UNZUETA: I live with them, so I --

8 JUDGE HAYNES: Excuse me?

9 MS. JOANNE UNZUETA: I live with them, too, so

10 you want me -- I'll ask her. I'll translate.

11 JUDGE HAYNES: I think that you are here as a

12 translator merely, not as a witness, unless you know

13 something that Maria does not -- or Ms. Unzueta

14 doesn't know.

15 MS. JOANNE UNZUETA: Okay.

16 JUDGE HAYNES: So --

17 MS. JOANNE UNZUETA: Ask her what you just say?

18 JUDGE HAYNES: Yes. Okay. Okay. Let her

19 translate.

20 (A brief pause.)

21 MS. JOANNE UNZUETA: Okay. She had the -- my

22 grandfather gave her permission to rent the

1 apartment and the people that was renting the
2 apartment was a couple, and when they went to put
3 the gas under their name is when everything begin.
4 We had a leak in the house and she's saying that if
5 it was a leak in the house or they were doing
6 something -- she smokes a lot -- that house would
7 have blown up.

8 JUDGE HAYNES: Wait a minute. So who owns the
9 house?

10 MS. JOANNE UNZUETA: Her father, but she's in
11 charge of the house, her and my father.

12 JUDGE HAYNES: And does Ms. Unzueta live in the
13 house?

14 MS. JOANNE UNZUETA: She lives on the first
15 floor.

16 JUDGE HAYNES: And so you said your grandfather
17 rented out an apartment. Is that the second floor?

18 MS. JOANNE UNZUETA: Second floor.

19 JUDGE HAYNES: Okay. And when did this couple
20 rent this apartment?

21 MS. JOANNE UNZUETA: She didn't charge them
22 because they never got the gas installed, so --

1 JUDGE HAYNES: When did they move in?

2 MS. JOANNE UNZUETA: In October.

3 JUDGE HAYNES: October of what year?

4 (Interruption.)

5 Excuse me?

6 MS. JOANNE UNZUETA: Last year, of '02.

7 JUDGE HAYNES: October 2002?

8 MS. JOANNE UNZUETA: Uh-huh.

9 JUDGE HAYNES: Okay. And so explain the billing

10 problem. What is the -- when did the billing

11 problem start?

12 MS. JOANNE UNZUETA: When she started making

13 small amounts of payments on her gas bill where they

14 went in and cut the gas and took the meter.

15 JUDGE HAYNES: Okay. They cut the meter for the

16 whole building?

17 MS. JOANNE UNZUETA: (Nodding head.) They cut it

18 from the outside.

19 MR. McCARTHY: Objection, and I hate to do that.

20 Every one of these answers has no temporal period

21 associated with it, so we don't -- a lot happened

22 here and we need years, months, dates.

1 JUDGE HAYNES: Please try to be more specific
2 with the date.

3 MS. JOANNE UNZUETA: The guy that came here
4 first translate for him she say he gave you all the
5 papers and they don't -- gave you all the papers.

6 JUDGE HAYNES: I have not -- I don't have the
7 papers. I don't know the whole story and I'm the
8 judge so you need to make it clear to me.

9 (Interruption.)

10 Excuse me. Let her translate.

11 (A brief pause.)

12 MS. JOANNE UNZUETA: He said he got better
13 memory.

14 JUDGE HAYNES: Okay. Excuse me. What is your
15 name?

16 MR. UNZUETA: Miguel Unzueta.

17 JUDGE HAYNES: Are you going to be a witness in
18 today's proceeding?

19 MR. UNZUETA: (Nodding head.)

20 JUDGE HAYNES: First, we are going -- do you want
21 to testify? Actually, it's not -- the question's
22 not for you. Ask the complainant does she want to

1 testify first or does she want your father to
2 testify first.

3 MS. JOANNE UNZUETA: Him, and he remembers things
4 better than her, because she give him the money and
5 he do the payments through -- the payments in the
6 house, the bills, everything.

7 JUDGE HAYNES: Do you object?

8 MR. McCARTHY: No, I do not.

9 JUDGE HAYNES: Okay. We are going to switch then
10 and we'll call you to the witness stand.

11 MR. McCARTHY: And just for background, I'm going
12 to object if -- it's my right, too -- anybody else
13 starts talking other than the witness or translator.

14 MS. JOANNE UNZUETA: Okay.

15 MR. McCARTHY: And I ask again, for purposes of
16 my ability to understand what's being elicited aside
17 from the judge, you break it into small chunks so we
18 know that you are actually stating everything he's
19 stating verbatim, which means word by word, and
20 maybe explain to him that that's the way we like to
21 hear it, so don't talk over each other.

22 MS. JOANNE UNZUETA: Okay.

1 MR. McCARTHY: Enunciate.

2 MS. JOANNE UNZUETA: He understood.

3 JUDGE HAYNES: Please raise your right hand.

4 (Witness sworn.)

5 Thank you.

6 MIGUEL UNZUETA,

7 called as a witness herein, having been first duly

8 sworn, was examined and testified as follows:

9 EXAMINATION

10 BY

11 JUDGE HAYNES:

12 Q. What is your name?

13 A. Miguel Unzueta.

14 Q. And what is your relationship to the

15 complainant?

16 A. She's my sister.

17 Q. Okay. I understand that your daughter here

18 is here to translate.

19 A. Uh-huh.

20 Q. Do you need a translator?

21 A. Not yet. I don't speak too much English.

22 Q. Go ahead and make your statement.

1 **A.** Okay.

2 JUDGE HAYNES: Okay. Translate.

3 (A brief pause.)

4 MS. JOANNE UNZUETA: Okay. In March he went to

5 pay \$1,000.

6 JUDGE HAYNES: Q. In what year?

7 **A.** 2002.

8 MS. JOANNE UNZUETA: Okay. Okay. Then the

9 problem with the house came and there are one other

10 check that he -- that he wrote, didn't have no

11 funds, and that's when he couldn't pay the gas, so

12 he stayed behind. That's when the problem started.

13 THE WITNESS: Okay. In August they went to the

14 house. They cut a pipe from the outside. It was a

15 White guy and African American guy. They went the

16 first time.

17 MR. McCARTHY: Okay. I'm going to object unless

18 I hear some sort of year.

19 JUDGE HAYNES: What year?

20 MS. JOANNE UNZUETA: 2002 August. Okay. The guy

21 that came with the -- there were two guys. The one

22 that came in the house he said something was not

1 normal, but then my father opened the basement and
2 let them see around. The guy that came with the
3 truck that broke the concrete to take the pipe out
4 went in and say that nothing was wrong, so they
5 closed it. They didn't say nothing about it. Okay.

6 In October they went to this lady. Her
7 name was Juana Aparisio. She went to put the
8 name -- the gas under her name. They told her the
9 paper that she was using was from a person that was
10 dead, something like that, that the paper she was
11 going to use to put under her name so the bills
12 could come to her name was under a person that was
13 dead. All right.

14 JUDGE HAYNES: What year?

15 THE WITNESS: That was in 2002. That was in
16 October -- month of October.

17 JUDGE HAYNES: And Juana Aparisio was a renter?

18 MS. JOANNE UNZUETA: Uh-huh.

19 MR. McCARTHY: What floor -- if I can ask at this
20 point, what floor was this related to?

21 THE WITNESS: Renting, right?

22 MS. JOANNE UNZUETA: Yes.

1 THE WITNESS: Second floor where Juan used to
2 live.

3 MS. JOANNE UNZUETA: Where his brother used to
4 live.

5 JUDGE HAYNES: Who? And who is Juan?

6 MS. JOANNE UNZUETA: His brother. He's been in
7 jail since 2001 from the month of December.

8 JUDGE HAYNES: And what does he have to do with
9 this? Translate.

10 (A brief pause.)

11 MS. JOANNE UNZUETA: Okay. Juan really has
12 nothing to do -- my dad says he never used the gas
13 and that the thing is that where Juan used to live,
14 he rent to this lady, but when she went to put the
15 gas, they told her Juan owed that amount of money
16 and that her gas couldn't be installed until they
17 were paid that amount of money.

18 JUDGE HAYNES: Q. So Juan -- what's his last
19 name?

20 A. Last name Unzueta.

21 Q. And did he live on the second floor?

22 A. Yes, he did.

1 Q. When did he live on the second floor?

2 A. Since for '96 to 2001.

3 MS. JOANNE UNZUETA: He don't remember if it was
4 '96 or '97, but it was around that time.

5 JUDGE HAYNES: Okay. Go ahead. Translate.

6 (A brief pause.)

7 MS. JOANNE UNZUETA: Okay. In October 7, two
8 other guys went to install her gas to this lady
9 Juana Aparisio, then it was an African American guy
10 and Hispanic guy. The hispanic guy started to
11 taking the meter out, and my father asked him what
12 was the problem, and my father asked him why he was
13 taking the meter out. The guy told him the meter's
14 too old. They were going to put a new system.
15 Okay.

16 When they took the meter out and
17 everything was out, my father asked him when are you
18 going to put the other system, and then is when the
19 guy told him that he would not put another system
20 because he have found they was stealing the gas, and
21 my father says that he also took pictures inside the
22 basement and the meter and that he would like to see

1 that.

2 MR. McCARTHY: What was the date, can I ask

3 just -- again, just to be clear?

4 MS. JOANNE UNZUETA: '02.

5 JUDGE HAYNES: Q. October what?

6 A. October 7.

7 Q. Of?

8 **A.** 7.

9 MR. McCARTHY: Of what year?

10 THE WITNESS: 2001.

11 MR. McCARTHY: Okay.

12 MS. JOANNE UNZUETA: And then my father asked him

13 why he was saying -- that if the first two people

14 that came in they went into basement and first they

15 say that the -- it was leaking and the pipe they

16 said everything was okay, and that's when my father

17 would like to have these -- the two persons in front

18 of him and the other two so they could talk to each

19 other, because the first two people went in they

20 didn't find nothing and these two people said they

21 found something in the pipes like a leaking or

22 something like that. That's what they told him.

1 My dad argued with the guy saying that
2 he didn't have no magic (sic), that if it was
3 leaking in the house, something could have happened,
4 because like his sister smokes, and all that, and it
5 was not like he was doing something with the water,
6 something like that, he was playing with the gas, if
7 that was -- if that was what the guy was telling
8 him, because the gas leak you could smell it, and
9 that's when my father started arguing with the guy
10 how could it be a gas leak, how can he be doing
11 something to the pipes.

12 JUDGE HAYNES: Translate.

13 (A brief pause.)

14 MS. JOANNE UNZUETA: Because his first priority
15 was not to lose the house. And when he got -- he
16 almost -- in December he almost lost his house and
17 everything. He was never denied paying the gas. He
18 just wanted to pay what he owed.

19 MR. McCARTHY: I'm sorry?

20 JUDGE HAYNES: Q. Who wanted to pay what he
21 owed? You did?

22 **A.** From the gas.

1 JUDGE HAYNES: Okay.

2 MS. JOANNE UNZUETA: He went three times to the
3 gas company. They -- he talked to the lady. Her
4 last name was Prado (phonetic).

5 JUDGE HAYNES: Translate.

6 (A brief pause.)

7 MS. JOANNE UNZUETA: The people that give service
8 over there where he went to talk to the lady, her
9 last name Prado, it was Line 11, and guy said he
10 couldn't help.

11 MR. McCARTHY: Objection. No date. No time for
12 this conversation.

13 MS. JOANNE UNZUETA: November, 2001 -- 2002. It
14 was between November 10th and November 15th that he
15 went to talk to him.

16 JUDGE HAYNES: Q. And who was this person?

17 Translate word for word.

18 (A brief pause.)

19 **A.** Supposedly, it was a supervisor that was
20 helping people to pay gas -- their gas bills if they
21 were not satisfied, and they thought it was a lot of
22 money, because in the news at the time -- they was

1 showing in the news that if you needed help with
2 paying your gas bills and you thought it was too
3 high.

4 Q. Was this a Peoples Gas employee?

5 A. The Peoples Gas, yes. Worker from Peoples
6 Gas. She got her own office inside.

7 MR. McCARTHY: Objection. There's no question
8 pending right now.

9 JUDGE HAYNES: They're in their direct case.

10 MR. McCARTHY: I know.

11 THE WITNESS: And the lady gave this kind of
12 paper just written, and when he went to the division
13 where the central -- where they center will help
14 people in the community, they said the paper didn't
15 have no value because it was signed -- it was
16 signature and that it need to be -- it needed to be
17 like here so it could be legal, not just writing,
18 because they would not accept that and he give the
19 paper.

20 JUDGE HAYNES: You got a piece of paper from
21 a Peoples Gas employee?

22 MS. JOANNE UNZUETA: (Nodded head.)

1 JUDGE HAYNES: Do you have a copy?

2 MS. JOANNE UNZUETA: I think he do. That's the
3 one, and that proves nothing. It just has numbers.
4 That's what he says and says at that time he went to
5 talk to the lady. He be asking for a bill of Maria
6 not but in handwriting.

7 JUDGE HAYNES: Q. Is this the same piece of
8 paper that was attached to the complaint?

9 A. Yes.

10 Q. Okay. That's fine. I don't need it.
11 Where did this piece of paper come
12 from?

13 A. The Peoples Gas. Prado didn't want to send
14 this, so she gave it to this person -- to this guy
15 named Molina (phonetic).

16 Q. Who is?

17 A. She's a female. The signature's right there
18 because Prado didn't want to send the paper.

19 MS. JOANNE UNZUETA: My father said that she
20 wanted Prado to sign, and my father also told her
21 that if she was so sure what happened that she
22 should sign it, and she's like I'm not crazy enough

1 to sign it, so she gave it to this person.

2 JUDGE HAYNES: Q. Anything else?

3 A. No.

4 MS. JOANNE UNZUETA: Could he ask you something?

5 JUDGE HAYNES: Uh-huh.

6 MS. JOANNE UNZUETA: He just got that letter,
7 that he like to know why they never send their bill
8 like this saying, Maria, I just want Maria to pay
9 what she owes, not the second floor. She don't live
10 there, or whatever?

11 And then we used to call -- he used to
12 call Peoples Gas and ask them -- he wanted to know
13 if he could pay the bill in small amounts of
14 payment, because he couldn't pay the whole money,
15 and every time he asked them, they'll come up with
16 the second floor that they were combined.

17 JUDGE HAYNES: Q. Were separate accounts set up
18 for the first floor and the second floor?

19 A. Yes.

20 Q. And who's name was the first floor account
21 in?

22 A. Maria Unzueta.

1 MR. McCARTHY: I have one objection. I
2 was repeatedly told by -- Ms. Daile (phonetic) back
3 here speaks Spanish and she's saying she's not
4 actually in some cases translating verbatim what
5 he's saying, that she's adding explanations to his
6 statements that are not in his statements, so I
7 would like somebody -- I would like her to be
8 admonished to just state what he says.

9 JUDGE HAYNES: Do you understand that?

10 MS. JOANNE UNZUETA: I tell him. Would you like
11 to translate for him?

12 MS. DAILE (phonetic): That's fine, just if you
13 can say what he is exactly saying --

14 MS. JOANNE UNZUETA: Okay.

15 MS. DAILE (phonetic): -- without adding any more
16 description or explanation.

17 JUDGE HAYNES: To do that, it would be easier if
18 he went sentence by sentence.

19 MS. JOANNE UNZUETA: Okay. This is the one from
20 the -- that they sent to address --

21 JUDGE HAYNES: What is this?

22 MS. JOANNE UNZUETA: This is the one for Juan

1 they sent to address saying what he owed.

2 JUDGE HAYNES: Okay. Is this --

3 MS. JOANNE UNZUETA: That's different account.

4 JUDGE HAYNES: Q. Which piece of paper is for

5 which account?

6 A. The blue one is for Maria and the one that

7 you're touching is for Juan.

8 JUDGE HAYNES: Have you provided copies of this

9 to Peoples Gas?

10 MS. JOANNE UNZUETA: He said he hasn't.

11 MR. MCCARTHY: We haven't -- he hasn't provided

12 the copies of bills. I'm not sure right now whether

13 I asked for them.

14 JUDGE HAYNES: Q. Do you want that to be an

15 exhibit?

16 A. Yes.

17 Q. Okay.

18 Translate.

19 (A brief pause.)

20 A. If you want to make copies of this, too, so

21 it can be -- also be proof.

22 Q. You didn't bring any copies today?

1 **A.** No.

2 **Q.** Okay. Any paperwork that you want to use
3 today in court, the other side, Peoples Gas, needs
4 to be able to see.

5 **A.** UNZUETA: Okay.

6 JUDGE HAYNES: So go ahead, so we can take --

7 MS. JOANNE UNZUETA: He's got these papers. He's
8 got these papers for the kerosene that he's been
9 buying, too, so the house could be warm and stuff so
10 he could use as proof.

11 JUDGE HAYNES: So he wants them or Maria wants
12 them all to be part of this proceeding?

13 MS. JOANNE UNZUETA: To Maria?

14 JUDGE HAYNES: To Maria.

15 MS. JOANNE UNZUETA: She says the lawyer has all
16 those papers. My cousin have me send, too.

17 MR. McCARTHY: If I may, I did ask or request,
18 and did receive, from the Unzueta's receipts that
19 they sent in like this related to what purports to
20 be purchases of propane and kerosene. I'm assuming
21 that's the content of that bag.

22 MS. JOANNE UNZUETA: Yes.

1 JUDGE HAYNES: Let's go off the record for a
2 second.

3 (Off the record.)

4 Let's go back on the record.

5 You've provided me with copies of
6 papers, and you provide me the original and I made
7 copies.

8 (A brief pause.)

9 I need you to explain what each of
10 these pieces of paper are. We are going to start
11 with this first stapled thing.

12 MS. JOANNE UNZUETA: That one is from the
13 electric -- the electric company and showing from
14 December to March when they were using the heaters
15 how it started racing.

16 JUDGE HAYNES: The second page of what we are
17 going to mark as Complainant's Exhibit 1, so Page 2
18 of that reflects that time period from the electric
19 company; is that correct?

20

21

22

1 (Whereupon, Complainant's
2 Exhibit No. 1 & 2 were
3 marked for
4 identification.)

5 MR. UNZUETA: Uh-huh.

6 JUDGE HAYNES: And what does this -- what does
7 this have to do with your complaint against Peoples
8 Gas?

9 MS. JOANNE UNZUETA: Peoples Gas asked him what
10 he was using to warm up the house, and this is one
11 of his proofs to show he was using heaters so he
12 warmed his house.

13 JUDGE HAYNES: And are you seeking to get repaid
14 or is the complainant seeking to get repaid for this
15 extra gas or electric bill? Is that in your
16 complaint?

17 MS. JOANNE UNZUETA: No, that's not in his
18 complaint that he wants to get paid. That's just
19 proof to show them what he was using. He's -- the
20 only complaint he has is he wants them to install
21 the gas back, not that he wants to get paid.

22 JUDGE HAYNES: Okay. Translate. Answer

1 sentence by sentence.

2 MS. JOANNE UNZUETA: These ones?

3 JUDGE HAYNES: Specify what specific paper.

4 MS. JOANNE UNZUETA: Which one? This one or this
5 one (indicating)?

6 MR. McCARTHY: Which one?

7 JUDGE HAYNES: Let's go to -- let's back up --
8 this piece of paper that we're still on. Okay. Are
9 we done talking about this piece of paper
10 (indicating)?

11 MS. JOANNE UNZUETA: Yes.

12 JUDGE HAYNES: Q. Okay. And what about the back
13 pages, Pages 3 and 4?

14 **A.** This is not nothing to do with that.

15 JUDGE HAYNES: So you don't want --

16 MS. JOANNE UNZUETA: He's forgot it, because he
17 paid both bills together, so he forgot.

18 JUDGE HAYNES: Q. Do you want the last two pages
19 included?

20 **A.** No.

21 JUDGE HAYNES: Okay. So the first exhibit,
22 complainant's first exhibit, is two pages. What is

1 this piece of paper (indicating)? It was attached
2 as well.

3 MS. JOANNE UNZUETA: When he goes to the money
4 order and he pays his bills, that's what they put.

5 JUDGE HAYNES: Q. Does this need to be included
6 in the records?

7 A. No.

8 Q. Okay. So the only thing is this one page?

9 A. Yes.

10 Q. Okay. So this is the one page, the
11 electric bill, to Juan Unzueta, Complainant's
12 Exhibit 1?

13 A. As these papers.

14 Q. The next thing I have here is a Com Ed --
15 another Com Ed bill, so Complainant's Exhibit 1 is
16 service from May to June 2003 and this will be an
17 electric bill from March to April of 2002, March to
18 April 2002. Okay.

19 And please explain why you want this
20 before the court?

21 MS. JOANNE UNZUETA: That's just to prove he was
22 using heaters and how it starts increasing when they

1 use it and just to move --

2 JUDGE HAYNES: Next we have what we are going to
3 call Peoples Exhibit 3 -- excuse me -- Complainant's
4 Exhibit 3, and this is a Peoples Gas bill dated
5 November 2002. Please explain.

6 (Whereupon, Complainant's
7 Exhibit No. 3 was marked
8 for identification.)

9 MS. JOANNE UNZUETA: He says if he --

10 JUDGE HAYNES: Wait. Wait. Let her translate.
11 (A brief pause.)

12 MS. JOANNE UNZUETA: He said he could look at
13 both bills. Maria and Juan is the same amount, and
14 he is saying Peoples Gas don't even know -- don't
15 even know what they're charging with him. It's the
16 same amount.

17 JUDGE HAYNES: He's also referring to what we are
18 going to call Complainant's Exhibit 4.

19 (Whereupon, Complainant's
20 Exhibit No. 4 was marked
21 for identification.)

22 JUDGE HAYNES: Q. So Exhibit 3, Juan Unzueta,

1 what floor is that for.

2 **A.** Second.

3 JUDGE HAYNES: Maria Unzueta is first floor?

4 MS. JOANNE UNZUETA: (Nodding head.)

5 JUDGE HAYNES: And what does this show?

6 MS. JOANNE UNZUETA: He's saying that both people

7 got the same amount and that the first floor is

8 providing the gas for the second floor and the

9 second floor -- he's heating for second floor, and

10 then the second floor is used for cooking, and

11 whatever cooking, and then from them to put the same

12 amount when he said he's not a thief and that he

13 doesn't owe 2002, he says he owes 1,600, 1,100 --

14 1,600.

15 JUDGE HAYNES: Q. Do you think that only -- that

16 you were billed twice for the same amount of gas?

17 Okay. Either translate to him sentence by sentence

18 or answer that question.

19 (A brief pause.)

20 **A.** This is the bill, the money that he owes for

21 the first floor (indicating), and this is what

22 they're showing that he owes (indicating).

1 **Q.** Okay. You have to be more specific.

2 **A.** One thousand two hundred and forty-seven is

3 my bill.

4 **MR. McCARTHY:** Objection.

5 **MS. JOANNE UNZUETA:** He says --

6 **JUDGE HAYNES:** One at a time. You have now taken

7 out what has been attached to I believe the

8 complaint, the piece of paper sent by Ann Molina

9 (phonetic). Okay. What did he say about this line?

10 The first he said something about this piece of

11 paper.

12 **MS. JOANNE UNZUETA:** That he owes \$1,627.29, not

13 1,1022.

14 **JUDGE HAYNES:** Okay. And do you think that that

15 is for the entire building? Just the first floor?

16 Where do you get this number? What is this number

17 suppose to be?

18 **MS. JOANNE UNZUETA:** That's for the first floor

19 and that he's proven that Peoples Gas do whatever

20 they want, and because they're showing in the months

21 an amount that's less than what he owes, he's trying

22 to say they're just putting numbers to -- putting

1 numbers just to fill out whatever they want to fill
2 up, because he still argues they're charging the
3 same amount for the same floors -- for different
4 floors --

5 JUDGE HAYNES: Okay.

6 MS. JOANNE UNZUETA: -- second and first.

7 He says that because they got the power
8 to do whatever they want, they be taking advantage
9 of people that don't got enough money and they be
10 charging whatever.

11 JUDGE HAYNES: This last set are receipts I
12 believe.

13 MS. JOANNE UNZUETA: Uh-huh.

14 JUDGE HAYNES: And these are receipts looks like
15 for kerosene heat.

16 MS. JOANNE UNZUETA: He also use tanks so he
17 could cook from tanks that he goes and fill them up
18 with gas.

19 JUDGE HAYNES: We are going to call this
20 Complainant's Exhibit 5.

21

22

1 (Whereupon, Complainant's
2 Exhibit No. 5 was marked
3 for identification.)
4 THE WITNESS: You have got them there also. You
5 have got them included in there also.
6 JUDGE HAYNES: An exhibit attached.
7 MS. JOANNE UNZUETA: Yes.
8 JUDGE HAYNES: Four pages.
9 MR. McCARTHY: Wait. Is this C5 a group exhibit?
10 JUDGE HAYNES: Q. I think you have indicated you
11 wanted these in the record.
12 JUDGE HAYNES: Is there an objection from Peoples
13 Gas?
14 MR. McCARTHY: Well, no, except, you know, I
15 guess I'll ask some questions about them, at least
16 one of them.
17 JUDGE HAYNES: Okay.
18 MR. McCARTHY: No.
19 JUDGE HAYNES: Q. Is there anything further you
20 want to -- I'm sorry. I should finish with the
21 exhibits.
22 JUDGE HAYNES: You said you don't object?

1 MR. McCARTHY: I don't object.

2 JUDGE HAYNES: I'm going to admit into the

3 record Complainant's Exhibits 1, 2, 3, 4 and 5 which

4 is four pages.

5

6 (Whereupon, Complainant's

7 Exhibit Nos. 1, 2, 3, 4

8 and 5 were received

9 in evidence.)

10 JUDGE HAYNES: Q. Is there anything else that

11 you want to add?

12 **A.** No.

13 JUDGE HAYNES: Okay. Do you have cross

14 examination for this witness?

15 MR. McCARTHY: Yes, I do.

16 JUDGE HAYNES: Okay. And what you have just done

17 is your direct case, and this is perhaps a little

18 bit more leniency in how you translate, but it's

19 very important that you translate his questions word

20 for word and word for word what he answers.

21 MS. JOANNE UNZUETA: Okay.

22 (Brief interruption.)

1 JUDGE HAYNES: So please make sure that your
2 father understands he -- that he needs to stop.
3 Okay.

4 CROSS EXAMINATION

5 BY

6 MR. McCARTHY:

7 Q. Miguel, right?

8 A. Uh-huh.

9 Q. Miguel, you have lived on the first floor in
10 the building at 3536 West Hirsch; isn't that
11 correct?

12 MS. JOANNE UNZUETA: In Gresham since he got
13 operated. He used to live there. Since he got
14 operated, he moved to Gresham.

15 MR. McCARTHY: Okay. In the future, I guess I'm
16 expecting -- expecting you to translate what I say
17 to him if he does need a translator then.

18 MS. JOANNE UNZUETA: No, he does understand,
19 problem when he tries to put the sentence together
20 to make himself understand.

21 MR. McCARTHY: I'm to assume he immediately
22 talked to you, then he -- I assume he knows what I'm

1 asking.

2 MS. UNZUETA: He understands.

3 MR. McCARTHY: Q. When did he move to the new
4 address?

5 A. November.

6 Q. Of what year?

7 A. 2002.

8 Q. Okay. But prior to November of 2002, he
9 lived on the first floor at 3536 West Hirsch?

10 A. Yes. Yes.

11 MS. JOANNE UNZUETA: He understands, yes.

12 MR. McCARTHY: Q. When did he start living at
13 3536 West Hirsch, first floor?

14 A. 1978 -- correction. 1989, February of '89,
15 not '79, but '89.

16 Q. You repeatedly made statements indicating
17 that you feel you are responsible for the bill for
18 the first floor; isn't that right?

19 A. He used to take charge of paying the bills
20 and still does it. Even though he live there, he
21 still pays the bills. He takes charge of that
22 because she works.

1 **Q.** He's not listed on the gas bills for any of
2 the apartments, right?

3 **A.** No.

4 **Q.** Have you provided documents for Commonwealth
5 Edison bills. Why did they name a Juan Unzueta?

6 **A.** Because my grandfather is Juan Unzueta, and
7 sometimes he uses Unzueta because his son is named
8 Juan Unzueta also.

9 **Q.** Okay. So these bills from Com Ed that are
10 Complainant's Exhibits 1 and 2 are bills to Miguel's
11 father; is that right?

12 **A.** First floor, first floor.

13 **Q.** Now you have stated that you don't have gas
14 at the premises right now; isn't that correct?

15 **MS. JOANNE UNZUETA:** Yes, that's correct, he --
16 she don't have gas.

17 **MR. McCARTHY:** He should vocalize his responses
18 to you, but --

19 **JUDGE HAYNES:** Please tell him that.

20 **MS. JOANNE UNZUETA:** That like my grandfather
21 he's not living -- right now he's living in Mexico
22 because he's retired. He took charge of all the

1 bills in the house. That's why he could not move to
2 second floor because she didn't have no gas.

3 JUDGE HAYNES: Who -- Miguel couldn't move to the
4 second floor?

5 MS. JOANNE UNZUETA: No. Also, he needed to go
6 to Gresham to move to another place because she
7 didn't have gas because he had heart surgery.

8 JUDGE HAYNES: Who had heart surgery?

9 MS. JOANNE UNZUETA: He did. That's why he
10 cannot be in the cold. That affects him.

11 JUDGE HAYNES: Right now he's asking questions
12 and so you just need to answer his questions and not
13 volunteer information. Okay?

14 MR. McCARTHY: Q. Okay. So I think we
15 established -- but I'm going to go over one more
16 time for clarity sake -- you lost gas service to the
17 premises and you -- well, strike that. You don't
18 have gas service to the building in question right
19 now, do you?

20 A. Nothing, no.

21 Q. And you lost gas service to the building
22 when those two guys came out in about August of

1 2002; isn't that right?

2 **A.** (Witness nodded head.)

3 **Q.** Prior to that, you had gas service?

4 **A.** Like in May, they cut the service.

5 JUDGE HAYNES: What was the entire thing he just

6 said?

7 MS. JOANNE UNZUETA: That before the guys came,

8 he didn't have gas. He -- they just came to --

9 like I told you the first time, because they said he

10 was leaking, they went to the basement and didn't

11 find anything, the second time I just told you,

12 from, yeah, I know she's going to say it, but I'm

13 interpreting what he told you.

14 JUDGE HAYNES: Specifically what did he just say?

15 MS. JOANNE UNZUETA: In May they cut the gas.

16 MR. McCARTHY: **Q.** What year?

17 **A.** 2002. And in August they went and they dig

18 up and they took -- they cut the pipe.

19 JUDGE HAYNES: So you haven't had gas since May

20 and they cut --

21 THE WITNESS: (Nodding head.)

22 JUDGE HAYNES: -- they cut gas in May and they cut

1 the pipes in August? Please ask him.

2 THE WITNESS: Yes.

3 JUDGE HAYNES: Go ahead. Sorry.

4 MR. McCARTHY: Q. Prior to the time they --

5 strike that. So what you are saying is you had gas

6 on prior to May of 2002?

7 JUDGE HAYNES: Wait. Let her translate that.

8 (A brief pause.)

9 MS. JOANNE UNZUETA: He said that you could see

10 that because he gave you -- he gave you paper that

11 in March he went to do payment so they would not cut

12 his service.

13 JUDGE HAYNES: Which piece of paper?

14 MS. JOANNE UNZUETA: He has it. He don't got

15 it. He don't got that paper right now.

16 JUDGE HAYNES: Was it attached to the complaint?

17 THE WITNESS: Yes.

18 MR. McCARTHY: Q. Oh, this one (indicating?

19 **A.** No, with the complaint that we sent you out.

20 Q. Oh, the documents that you sent me.

21 JUDGE HAYNES: Not actually with the -- with the

22 complaint you filed with the Commission's office?

1 THE WITNESS: No.

2 MR. McCARTHY: I don't see anything in here what
3 you are talking about.

4 MS. JOANNE UNZUETA: No, it's like one of these
5 bills, like this (indicating), and he gave \$1,000 so
6 they would not cut it, so it was half, and they
7 never sent the other bill saying that he had paid
8 half.

9 JUDGE HAYNES: When did you say you paid half?

10 THE WITNESS: March.

11 JUDGE HAYNES: March of 2002?

12 THE WITNESS: Yes.

13 JUDGE HAYNES: You made out payments for one
14 thousand?

15 THE WITNESS: Uh-huh.

16 MR. McCARTHY: Q. On whose bill?

17 **A.** Maria Unzueta.

18 JUDGE HAYNES: Okay. Go ahead.

19 (Interruption.)

20 MR. McCARTHY: Excuse me. Excuse me. There's no
21 question pending.

22 MS. JOANNE UNZUETA: He says that you have the

1 paper because the other time you came you showed
2 him.

3 MR. McCARTHY: Well, yeah. We'll do what we will
4 do.

5 MR. McCARTHY: Q. Who else lived -- well, strike
6 that. Miguel, Michael, Maria lived on the first
7 floor at 3536 West Hirsch Street; isn't that right?

8 MS. JOANNE UNZUETA: And first floor live back
9 then my father, my grandmother, my uncle's kids, and
10 Maria, and Michael, and me.

11 MR. McCARTHY: Q. Okay. Do they still live
12 here?

13 A. Yes.

14 Q. And on the second floor Juan Unzueta's wife
15 and children live there; isn't that right?

16 MS. JOANNE UNZUETA: Yes, but actually you could
17 say the kids live downstairs because they're
18 always --

19 JUDGE HAYNES: Translate his question.

20 (A brief pause.)

21 THE WITNESS: Yeah, but in the second floor
22 nobody's living right now.

1 JUDGE HAYNES: Right now?

2 THE WITNESS: Right now nobody's living there
3 since October.

4 JUDGE HAYNES: October of what year?

5 THE WITNESS: Of last year.

6 MR. McCARTHY: Q. So October of 2002 -- nobody's
7 been living on the second floor since October of
8 2002?

9 MS. JOANNE UNZUETA: Because the lady couldn't
10 get it, so they left.

11 JUDGE HAYNES: Translate.

12 (A brief pause.)

13 THE WITNESS: Since December 2001, didn't nobody
14 live there until they started renting for a couple
15 like two months.

16 JUDGE HAYNES: Okay.

17 MR. McCARTHY: That's different.

18 EXAMINATION

19 BY

20 JUDGE HAYNES:

21 Q. So Juan Unzueta is your brother?

22 A. Uh-huh.

1 **Q.** When did he live there?

2 **A.** Since 9-6-2001.

3 **Q.** And who lived with him?

4 **A.** His wife and two kids.

5 **Q.** And after December 2001, who lived on the

6 second floor.

7 **A.** Since the last time to pay rent after Juan

8 '01 was in October and they -- then they left.

9 **Q.** December 2001?

10 **A.** Uh-huh, 2000.

11 **Q.** Juan -- 2001, Juan and his family moved out?

12 **A.** He's in jail.

13 **Q.** But did his wife and --

14 **A.** She left with her family.

15 **Q.** In December of 2001 Juan's wife and her

16 children moved out?

17 **A.** Uh-huh.

18 **Q.** Yes?

19 **A.** Uh-huh.

20 **Q.** Okay. So from January 2002 to October 2002,

21 who lived there?

22 **MS. JOANNE UNZUETA:** Nobody then. October, yeah,

1 and the lady, Juana Aparisio, just lived 20 days
2 there because she couldn't get gas herself, so then
3 she left, then he didn't charge her. He didn't say
4 that, but I'm just adding that letting you know.

5 CROSS EXAMINATION

6 BY

7 MR. McCARTHY:

8 Q. There's one furnace in the building at 3536
9 West Hirsch; isn't that right?

10 A. I don't understand that. Could you explain.

11 Q. There's one heater -- gas heater in the
12 building at 36 -- 3536 West Hirsch?

13 A. A boiler.

14 Q. One boiler?

15 A. Yes, and that boiler goes to the first floor
16 and the first floor it provides the whole house.

17 Q. There are two water heaters at 3536 West
18 Hirsch; isn't that right?

19 A. Uh-huh.

20 JUDGE HAYNES: Yes or no?

21 THE WITNESS: Yes.

22 MR. McCARTHY: Q. There is a stove on -- a gas

1 burning stove on the first floor at 3536? What's
2 the answer?

3 **A.** Yes, and one on the second floor also like
4 you said.

5 **Q.** One on the second floor, so the first floor
6 account I think you were indicating provided heat
7 for the whole building?

8 **A.** Yes. Yes, and provided to the whole house.

9 **Q.** And the account for the first floor also
10 provided hot water for the first floor?

11 **A.** Uh-huh. Yes, only.

12 **Q.** And gas for the first floor stove?

13 **A.** (Witness nodded head.)

14 JUDGE HAYNES: Yes? No?

15 THE WITNESS: Yes. Yes.

16 JUDGE HAYNES: The reporter has to have it
17 vocalized, not nod your head.

18 THE WITNESS: Sorry.

19 JUDGE HAYNES: That's okay.

20 MR. McCARTHY: I don't believe -- I don't have
21 any other questions for this witness.

22 JUDGE HAYNES: Okay.

1 MS. JOANNE UNZUETA: Do you want him to go back?

2 JUDGE HAYNES: Based on those questions, can you
3 think of anything else that you wanted to add?

4 MS. JOANNE UNZUETA: He don't add nothing.

5 JUDGE HAYNES: Thank you. You are dismissed and
6 we are going to recall Maria Unzueta.

7 MARIA UNZUETA,
8 called as a witness herein, having been first duly
9 sworn, was examined and testified as follows:

10 EXAMINATION

11 BY

12 JUDGE HAYNES:

13 Q. Okay. You were previously sworn and I'm
14 just reminding you that you are still under oath.

15 Is there anything that you would like
16 to add to what Miguel has stated?

17 Let her translate.

18 (A brief pause.)

19 MS. JOANNE UNZUETA: Okay. The only thing
20 she's -- she agreed with everything he said and the
21 thing she wants is just to get the gas installed,
22 and that's the only thing she's talking, just for

1 the first floor, not the second floor.

2 JUDGE HAYNES: Did you have questions for this
3 witness?

4 MR. McCARTHY: No.

5 JUDGE HAYNES: Okay. Okay. Thank you.

6 And now Peoples Gas is going to present
7 their witnesses and you will have an opportunity to
8 question them.

9 MS. JOANNE UNZUETA: They'll have a chance to
10 talk to them, right?

11 JUDGE HAYNES: Correct. So you'll need to
12 translate what happens, so in the case --

13 MS. JOANNE UNZUETA: She don't like what they're
14 saying, or whatever, think something is wrong --

15 JUDGE HAYNES: She can ask questions, and how it
16 works, he's going to ask them questions, and once
17 he's done asking questions, then you can ask
18 questions, but you can't interrupt him until he's
19 done.

20 MS. JOANNE UNZUETA: Okay. They took the meter.
21 He was there. But both can talk, right, ask
22 questions?

1 DAVID DENHAM,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY

6 MR. McCARTHY:

7 **Q.** Mr. Denham, can you please spell your name
8 for the record.

9 **A.** David Denham, D-e-n-h-a-m.

10 **Q.** And by whom are you employed?

11 **A.** Peoples Energy.

12 **Q.** And it's a subsidiary of Peoples Gas, Light
13 and Coke Company?

14 **A.** Yes.

15 **Q.** And, Mr. Denham, what is it you do
16 for Peoples?

17 **A.** I'm the field supervisor in the gas
18 diversion detection area.

19 **Q.** What does that entail?

20 **A.** We basically investigate possibilities of
21 gas theft to gas tampering, gas diversion and
22 unauthorized usage.

1 JUDGE HAYNES: Please translate.

2 (A brief pause.)

3 MR. McCARTHY: Q. And how long have you worked
4 for Peoples Gas in that capacity as supervisor?

5 A. Five years --

6 Q. Five years?

7 A. -- as supervisor in gas diversion.

8 Q. And how long did you work with the company
9 before that?

10 A. Twenty years.

11 Q. And what did you do before you became
12 supervisor of gas diversion?

13 A. I've been in the meter reading department
14 and in the collection -- the field collection
15 department, and as a field investigator in the gas
16 diversion area.

17 Q. How many investigations have you conducted
18 involving tampering with gas facilities
19 approximately?

20 A. I've been with the gas diversion area for 12
21 years. I would have to say a couple of thousand, at
22 least in the thousands.

1 **Q.** Mr. Denham, was an investigation conducted
2 regarding gas service or unauthorized gas usage to
3 the building at 3536 West Hirsch in Chicago?

4 **A.** Yes, it was.

5 **Q.** And did you personally conduct that
6 investigation?

7 **A.** No, I personally did not. Two of the
8 investigators in our area who work for me conducted
9 the investigation.

10 **Q.** Mr. Denham, why aren't those two gentlemen
11 here today?

12 **A.** They are both on active military duty
13 serving the country.

14 **Q.** Is one of them in Iraq?

15 **A.** Yes.

16 **Q.** Mr. Denham, you have reviewed their reports
17 of the events related to their investigation of that
18 premise?

19 **A.** Yes, I have.

20 MS. MARIA UNZUETA: And whenever you reviewed --

21 JUDGE HAYNES: Did you not hear what he answered?

22 MS. JOANNE UNZUETA: He said something about

1 reviewed -- if he had reviewed --

2 JUDGE HAYNES: The reports.

3 MS. MARIA: The reports --

4 JUDGE HAYNES: It's Peoples Gas asking questions.

5 If she has questions, she should write them down,

6 take notes. Okay.

7 MR. McCARTHY: Q. Okay. And, David, can you

8 just, in maybe a summary form, explain to me what

9 happened during the investigation of that premise in

10 chronological order?

11 A. I don't have the documents to review. I can

12 chronologically lay it out.

13 Q. So are there documents that Peoples Gas has

14 that are related to this investigation?

15 A. Yes.

16 MR. McCARTHY: Let the record reflect that I'm

17 showing the other side a document -- it's a group

18 exhibit -- that's been marked as Respondent's

19 Exhibit No. 3. I'm kind of out of order here, but

20 I'm calling Dave early and that I've provided three

21 of the same to the judge, and they have been marked,

22 and one to David Denham.

1 MR. McCARTHY: Q. Dave, do you recognize that
2 group exhibit?

3 **A.** Yes, I do.

4 **Q.** What is it?

5 **A.** This is a documentation of what -- I'm
6 sorry. Specifically the first page?

7 JUDGE HAYNES: Actually did Miguel want to come
8 and sit so he can see the copy?

9 MS. JOANNE UNZUETA: Could you tell me what this
10 means? He's going to do it right now?

11 JUDGE HAYNES: I think that's what they're going
12 to do right now.

13 Go ahead.

14 MR. McCARTHY: Q. David, can you just tell me
15 what these documents tell you about the
16 investigation at the premises in question, inasmuch
17 as you can in chronological order, and identifying
18 the pages that you are reviewing in each case?

19 **A.** Okay. Basically, this is the summation of
20 what our investigation resulted in. The first
21 document was our first visit to the premise at 3536
22 West Hirsch.

1 JUDGE HAYNES: Go ahead.

2 THE WITNESS: The investigation date is actually
3 July 22 of 2002. The reason that we were there is
4 because we monitor the building in which the gas
5 service has been turned off to make sure that the
6 gas service is, in fact, still off. Knowing that
7 the gas service was shut off the previous summer in
8 August of 2001, we anticipated finding the gas off
9 in July 2002.

10 Our first visit, once again, on July 22
11 we were -- we attempted to get into the basement on
12 that date to make an investigation. I'm sorry.

13 MR. MCCARTHY: It's okay. It's hard.

14 MS. MARIA UNZUETA: The date.

15 JUDGE HAYNES: Of what year?

16 THE WITNESS: Our records indicate the gas
17 service was shutoff in August of 2001. Gas service
18 was cutoff in August of 2001.

19 MR. UNZUETA: Second floor, not first floor, not
20 yet first floor. They cut one service when he went
21 to jail and then it was the first floor.

22 JUDGE HAYNES: Okay. Continue.

1 THE WITNESS: So in July of 2002, we attempted to
2 gain access to the basement, but we were refused
3 access by someone in the building.

4 MS. JOANNE UNZUETA: Do you have a pen so he can
5 write it down?

6 (Interruption.)

7 JUDGE HAYNES: If you want to talk amongst
8 yourselves, you need to write. Right now he has
9 some questions and you can whisper to each other,
10 but he's not testifying any more. Okay.

11 THE WITNESS: At that point, because we were not
12 able to gain access and the fact that the building
13 was still occupied, and that there was -- there was
14 no outside shutoff, at that point we placed an order
15 on that day for the service to be actually cutoff
16 from outside.

17 MS. JOANNE UNZUETA: What month?

18 THE WITNESS: What month?

19 MS. JOANNE UNZUETA: What month?

20 THE WITNESS: That would be July of 2002.

21 MR. MCCARTHY: Q. What page are you referring to
22 there?

1 **A.** That was Page 1.

2 **Q.** Okay. Thank you. Go ahead.

3 **A.** Page 2 is one of our company records just

4 indicating a comment that I put on the account.

5 This particular comment is dated July 23 of 2002.

6 The comment was that we were refused access on the

7 previous day, the 22nd, and there was no B box means

8 there's no outside shutoff, and we were refused

9 access. We asked at that point for service to be

10 cutoff from outside. There was no B box to access,

11 so we asked.

12 Exhibit 3 is the actual order when

13 distribution cutoff the service, which is dated

14 August 20 of 2002 -- I'm sorry -- date of work was

15 August 19 of 2002.

16 **Q.** If I may interrupt you at this point, how do

17 they cutoff when you say cutoff the service

18 physically?

19 **A.** They will actually go into the street,

20 and/or the parkway, dig down into the ground and cut

21 the pipe that would feed their building and,

22 obviously, cap it, secure it, tape it up, and at

1 that point there's no more gas service that enters
2 the building.

3 Q. What do the records show happened after that
4 date?

5 A. Once again, that was August 19th of 2002.
6 At this point there was an application made to have
7 the gas service restored. I don't see the specific
8 date in which that phone call was made to the gas
9 company, but someone -- after the pipe was cut,
10 someone applied for gas.

11 MS. JOANNE UNZUETA: You say August 19?

12 THE WITNESS: No. After the pipe was cut on the
13 19th, yes, at some point after that date they called
14 to apply for gas.

15 MR. MCCARTHY. Okay. Hold on.

16 JUDGE HAYNES: And what page are we looking at
17 now?

18 THE WITNESS: I'm sorry. This would be -- Page 5
19 and 6 will be together.

20 JUDGE HAYNES: Okay. So we are on Page 5 and 6
21 now, and this reflects the phone call where someone
22 called and asked for service?

1 THE WITNESS: This is precipitated on the phone
2 call that we would go out and make an investigation
3 and be able to get into the basement.

4 MS. JOANNE UNZUETA: There's a phone call made to
5 get the service back?

6 THE WITNESS: Yes, so someone called and applied
7 for gas, agreed to let us into the basement.

8 MR. MCCARTHY: Q. Dave, where does it show that
9 an application was made?

10 A. The fifth sentence down, soon after the main
11 was cut, application was made for service. I don't
12 have the date of that.

13 Q. And that's on Page 5 of 6 of this group
14 exhibit?

15 A. Yes. Yes.

16 Q. Can you tell me now -- Page 5 of 6 and 6 of
17 6 are stapled together?

18 A. Yes.

19 Q. What does that document -- what is that
20 document?

21 A. This is the result of our investigation that
22 we completed on October 7 of 2002. That's when we

1 gained access to the basement.

2 Q. What does the report show that the company
3 employees found?

4 A. In essence, they found evidence of a gas
5 steal at that time.

6 MS. JOANNE UNZUETA: He understood.

7 MR. McCARTHY: Q. And when you say gas steal, do
8 you mean tampering?

9 A. In this case, according to the evidence that
10 was observed by our two investigators, they had
11 found that one of the meters in the basement had
12 been dropped. It was put back up for our
13 inspection, but it had been dropped for the purpose
14 of connecting the free gas to the house piping which
15 would have supplied the gas appliances.

16 MS. JOANNE UNZUETA: Let me tell him.

17 JUDGE HAYNES: Go ahead.

18 (A brief pause.)

19 Okay. I don't understand. You said
20 something was dropped and then --

21 THE WITNESS: Perhaps the pictures might clarify
22 it somewhat.

1 BY MR. McCARTHY:

2 Q. Well, let me ask a few more questions if
3 there's some confusion about that.

4 You said -- stated that the meter's
5 dropped. That's sort of Peoples Gas lingo?

6 A. Yes.

7 Q. What exactly is it that they suspect
8 happened there based on the evidence that they saw?

9 A. The procedure of Peoples Gas is to hang a
10 gas meter from a meter bar.

11 JUDGE HAYNES: Translate.

12 (A brief pause.)

13 THE WITNESS: The meter bar and meter hang from
14 our gas company service, which is the service that
15 comes into the house to feed the gas meters.

16 JUDGE HAYNES: By "service," do you mean the pipe
17 that comes in with the gas?

18 THE WITNESS: Yes. The appearance -- when we got
19 into the basement, the appearance of one of the gas
20 meter bars had been that it was violated in such a
21 manner -- without getting too technical, there were
22 marks and damage done to our meter bar from the

1 second floor.

2 MS. JOANNE UNZUETA: Okay. He understands.

3 THE WITNESS: I don't want -- you want me to get
4 specific into the details?

5 MR. MCCARTHY: Q. Please explain to me, if you
6 can, what the effect is of -- well, you had said
7 meter drop earlier. I think that left questions in
8 Peoples' minds.

9 What is it that they suspect happened
10 to the meter and the meter bar and how would that
11 result in free gas?

12 **A.** The meter bar is constructed in a manner in
13 which there are two signs of it from the inlet side
14 to the outlet side and the gas runs through the
15 meter from the inlet through the outlet to supply
16 gas appliances.

17 MS. JOANNE UNZUETA: He understood.

18 THE WITNESS: A meter bar has two collars that
19 hold it in place. Inside the collars are specific
20 components in order to -- for the gas to flow safely
21 through the meter bar and through the meter.

22 Upon first viewing the meter bar,

1 specifically the second floor meter bar, they
2 observed that there were violations, very plain,
3 blatant physical violations, on the meter bar, which
4 indicated someone had violated in some manner. Once
5 the meter bar's taken down, there's free gas flowing
6 out the pipe.

7 MS. DAILE (phonetic): Excuse me.

8 MR. McCARTHY: No.

9 THE WITNESS: Okay. Okay. From that point --

10 MS. DAILE (phonetic): Can I say something.

11 THE WITNESS: That's my point. The gas it's been
12 cut off from the outside. To complete the
13 investigation, they took the meter and the meter bar
14 down and found that the components inside the meter
15 bar were violated.

16 MR. McCARTHY: Q. Okay. Before you go on, you
17 say violated. What does that mean? Were there
18 components missing, or misplaced, or was it -- you
19 know, what was wrong?

20 **A.** There are basically three components to the
21 inlet side of the meter bar.

22 MS. JOANNE UNZUETA: He understood.

1 THE WITNESS: Okay. That's what we call
2 compression ring -- I'm sorry. Compression spring
3 is the first component, and then there's a flat
4 metal washer, and then there's a rubber washer
5 underneath that.

6 We found excessive wrench marks on both
7 of the collars, the inlet and the outlet, indicating
8 that someone had put a wrench on it an excessive
9 number of times.

10 MS. JOANNE UNZUETA: What is a wrench?

11 THE WITNESS: A wrench pipe, wrench is a kind of
12 tool --

13 MR. McCARTHY: It's a tool.

14 THE WITNESS: -- to loosen things.

15 MR. McCARTHY: Q. I'll go into that. I guess
16 I'm trying to elicit what happened and then I can
17 show specific examples. It would loosen this
18 (indicating)?

19 **A.** When the meter bar collars are tightened, it
20 leaves a mark on the pipe that it hangs on, which is
21 called a nipple. It leaves a mark. Because of that
22 compression spring when it's tightened, it leaves a

1 definitive line on the pipe.

2 JUDGE HAYNES: It leaves a mark when the meter's
3 installed?

4 THE WITNESS: Yes. When it's secured on the pipe
5 and it's tightened so that it doesn't leak, it will
6 leave a mark on the pipe.

7 Upon first viewing this, when we walk
8 into the basement, we found one of those marks --
9 one of those lines on the pipe above the meter bar,
10 which indicates very clearly that at some point the
11 meter bar and meter had been down.

12 JUDGE HAYNES: So the spring leaves a mark, so
13 that's what is tightened?

14 THE WITNESS: When you tighten the spring, that
15 leaves a mark. We should only have one mark on that
16 pipe for any reason.

17 JUDGE HAYNES: And go ahead. Sorry.

18 THE WITNESS: When we made the attempt to take
19 the meter and bar down, the bar basically fell off
20 the pipe because someone had not tightened it up.
21 We believe that someone has hastily put the bar back
22 up knowing that we were going to make our

1 inspection, because they called us.

2 MR. McCARTHY: Q. Continue.

3 A. We also found --

4 MR. McCARTHY: Sorry.

5 JUDGE HAYNES: No. Go ahead.

6 THE WITNESS: We found evidence of a non-gas
7 company pipe dope, which we put two fittings
8 together. We always use pipe dope. Any plumber
9 would do that.

10 JUDGE HAYNES: You use what?

11 THE WITNESS: Pipe dope.

12 JUDGE HAYNES: Dope? Okay.

13 THE WITNESS: Forgive the venacular, but that's
14 what it is.

15 MR. McCARTHY: Q. Just describe it.

16 A. It's a substance that when the two fittings
17 are joined together the substance hardens to protect
18 from any possible leakage of any kind.

19 JUDGE HAYNES: Okay.

20 THE WITNESS: The gas company uses one specific
21 type of pipe dope in all of its applications, and we
22 found evidence of a different type of pipe dope on

1 our fittings.

2 MR. McCARTHY: Q. Let me ask you a question
3 about when the meter -- what you have been saying I
4 guess is there's evidence that the meter bar had
5 been taken out. The meter would have been removed
6 from the piping?

7 A. The meter was probably still attached to the
8 meter bar. Once you take the meter bar down, the
9 meter is still attached to it.

10 Q. So at that point there's a pipe coming in
11 from the street that just ends in the air with the
12 meter down I guess --

13 A. Right.

14 Q. -- and then there's some other pipe going to
15 the house piping --

16 A. That is correct.

17 Q. -- that is exposed?

18 JUDGE HAYNES: Next question.

19 MS. McCARTHY: Q. How then does the gas -- if
20 you are going -- the gas has got to get into
21 appliances. It wouldn't just flow into the room if
22 you took down the meter?

1 **A.** Yes. Certainly there needed to be some type
2 of connection from the meter gas side to the house
3 appliances -- to the house piping we call that.

4 **Q.** Did you find evidence there had been such a
5 connection --

6 **A.** Yes.

7 **Q.** -- or did your men? I'm sorry.

8 **A.** Yes. The physical indication is the
9 pictures all indicated that at some point there
10 was -- there was an illegal connection here.

11 **Q.** And what does the report say was supplied by
12 that connection?

13 **A.** The report states that it supplied the first
14 floor appliances. It states it supplied gas to the
15 building boiler and hot water tank.

16 JUDGE HAYNES: This is on Page 6 of this exhibit?

17 THE WITNESS: Yes, down about six sentences.

18 JUDGE HAYNES: Is that what AWH is?

19 THE WITNESS: Yes, it is the automatic hot water.

20 MR. McCARTHY: Q. So, again, you said the
21 building boiler and one hot water tank?

22 **A.** Yes.

1 **Q.** Did they say that they saw any evidence that
2 during the time the gas was off, you know prior to
3 the cut at the street, that there was any evidence
4 when they were in there in October of any other
5 heating source?

6 **A.** No, they did not find any other heating
7 source at that time.

8 **Q.** In the basement?

9 **A.** Right.

10 MS. JOANNE UNZUETA: The heating source that we
11 were using to light up the house?

12 THE WITNESS: Right.

13 JUDGE HAYNES: The report shows if they went
14 through the entire house or just through to the
15 basement?

16 THE WITNESS: No, the report does not state that
17 they went upstairs to either apartment. I believe
18 that their activity strictly happened in the
19 basement.

20 MS. JOANNE UNZUETA: Could I translate to her.

21 JUDGE HAYNES: Yes.

22 (A brief pause.)

1 MR. McCARTHY: Q. Are the two gentlemen who were
2 at the premises experienced as you know detecting
3 gas steals?

4 A. Yes, they are. They're both quite
5 qualified, yes.

6 Q. And so they can detect tampering? How many
7 times have they done it roughly?

8 A. Mr. Hobson (phonetic) has been with the
9 department approximately eight years, has certainly
10 seen hundreds of gas thefts. Mr. Garsa (phonetic)
11 I believe about four years. I'm sure he's seen a
12 couple of hundred steals.

13 Q. And their names are the names of these two
14 gentlemen? Those are the gentlemen on active duty?

15 A. Yes.

16 Q. And they're listed on the first page
17 of -- well, actually Page 5?

18 MS. JOANNE UNZUETA: Those are the two persons
19 that came first? What page?

20 THE WITNESS: Yes.

21 MS. JOANNE UNZUETA: What page was that?

22 MR. McCARTHY: First page of Page 5 of 6.

1 JUDGE HAYNES: In the upper left-hand corner?

2 MR. McCARTHY: Yes.

3 MR. McCARTHY: Q. Is there some indication that

4 they didn't see any electrical cooking appliances?

5 A. That is mentioned in the report, yes. They

6 went back through the second floor apartment. They

7 did not notice any electrical cooking appliances, so

8 they did go through the second floor apartment in

9 order to get to the basement.

10 Q. Okay. Mr. Denham, were there any

11 photographs taken by the gentlemen at the

12 premises -- that were at the premises?

13 A. Yes.

14 MR. McCARTHY: Let the record --

15 (Interruption.)

16 JUDGE HAYNES: Please. Please.

17 MR. McCARTHY: Let the record reflect that

18 I'm showing the other side or giving the other

19 side a copy of a document that's been marked as

20 Group -- Respondent's Group Exhibit 4. It's one of

21 six pages, and I provided a copy of the same to

22 David Denham and the original photographs that

1 are -- these are copies of photographs that have
2 been provided to the judge.

3 MR. McCARTHY: Q. Mr. Denham, do you recognize
4 these documents?

5 A. Yes. After reviewing the case, these were
6 part of the investigation.

7 Q. Turning your attention to the first page --
8 (Interruption.)

9 JUDGE HAYNES: Please.

10 MR. McCARTHY: Does she have to translate?

11 JUDGE HAYNES: Only translation right now,
12 please. This room is too small and I'm having
13 trouble hearing the witness when other people are
14 speaking.

15 MR. McCARTHY: I should let you -- I'm going to
16 re-ask that question because I'm not sure she
17 translated it.

18 MR. McCARTHY: Q. Do you recognize these
19 documents?

20 A. Yes.

21 Q. What are they?

22 A. These are photographs that were taken in

1 October of 2002 by our two investigators.

2 Q. And do they also have notes that are on the
3 reverse side of each one of the photographs?

4 A. Yes. Yes.

5 JUDGE HAYNES: Does that reflect the first side
6 of the page or top of your copies?

7 MR. McCARTHY: It's on the top of the copies, so
8 the front and reverse side of each one of the
9 photographs.

10 MR. McCARTHY: Q. Dave, are they both shown?

11 A. They're combined onto one page.

12 Q. Thank you.

13 Dave, can you just walk me through what
14 the photographs show by page number?

15 A. Yes. Page 1 of 6 this is the second floor
16 meter bar (indicating). This is the inlet collar of
17 the meter bar for the second floor (indicating).

18 JUDGE HAYNES: Which part is the inlet?

19 THE WITNESS: This is the inlet collar of the
20 second floor meter bar (indicating), which shows
21 even in the black and white photo, a great deal of
22 shininess and wrench marks, and including the

1 compression ring above the meter bar collar.

2 MR. McCARTHY: Q. So is this how they found it?

3 A. This is exactly how it was found on that
4 date.

5 JUDGE HAYNES: Where is the compression ring on
6 here?

7 THE WITNESS: Above (indicating).

8 JUDGE HAYNES: This is the collar (indicating)?

9 THE WITNESS: This is the collar (indicating).
10 This is the ring around the pipe (indicating).

11 JUDGE HAYNES: Do you want to see this?

12 MS. JOANNE UNZUETA: It's all right.

13 MR. McCARTHY: Q. Is there anything -- are there
14 any other marks? Let's see that original if I may.
15 Any other --

16 (Tendered.)

17 A. Also very important is the fact you can see
18 the threads underneath the meter bar collar. The
19 top threads are shiny, which means they're exposed,
20 which means this hasn't been tightened down in the
21 manner in which we left it. There should be no
22 shininess here (indicating). That simply means the

1 bar was not put up in its original position. All
2 those threads should look exactly the same.

3 Q. Is what you are saying that -- that the pipe
4 sort of oxidizes, or rusts, or whatever, over time,
5 and this does show that because it's shiny, that it
6 was recently exposed --

7 A. Exactly.

8 Q. -- in the air or something --

9 A. Exactly.

10 Q. -- or recently?

11 A. All the threads, all of the piping should be
12 of the same color, the same texture. You can see
13 the shininess of the threads there. In fact, it's
14 not been tightened down. Page 2 of 6 -- to complete
15 the investigation, our investigators took down the
16 meter bar and meter, which left this particular
17 fitting coming from our building service -- our gas
18 service that comes in from the street, and
19 this --

20 MR. McCARTHY: I'll let him show this to them,
21 then we can all look at the same. Sorry.

22 THE WITNESS: At this point is where we found

1 this white pipe dope inside the fittings, which is
2 not gas company pipe dope. There would be no reason
3 for that pipe dope to be there. Our pipe dope would
4 be yellow in color by this time.

5 MR. McCARTHY: Q. So this is soft dope?

6 A. This is pliable fresh dope, which would not
7 have been installed by the gas company.

8 MS. JOANNE UNZUETA: Can you repeat that. Not
9 installed by the gas company?

10 THE WITNESS: The pipe dope.

11 MS. JOANNE UNZUETA: I told him. All right.

12 JUDGE HAYNES: And about the color?

13 THE WITNESS: Yes.

14 MS. JOANNE UNZUETA: Yes, the shiny.

15 JUDGE HAYNES: No. Please say again about what
16 you said about the pipe dope.

17 THE WITNESS: The pipe dope would not be the same
18 pipe dope that was used in the gas company. It
19 would be more of a yellow color to it.

20 MR. McCARTHY: And it would certainly be hardened
21 because that meter and meter bar have been in that
22 basement a long time.

1 THE WITNESS: Page 3 is the boiler that supplies
2 heat to the two units.

3 MR. McCARTHY: Okay. This is a photograph of the
4 boiler. All right.

5 MR. UNZUETA: Why they took the picture to
6 the boiler?

7 THE WITNESS: To show the gas appliances in the
8 building.

9 MS. JOANNE UNZUETA: She's saying the boiler
10 don't have --

11 JUDGE HAYNES: You can ask questions once he's
12 done.

13 THE WITNESS: It's to show the condition of the
14 boiler also. This is the hot water tank from the
15 second floor (indicating) Page 5 of 6 is.

16 JUDGE HAYNES: You want to use the original.

17 (Document tendered.)

18 THE WITNESS: This is the house piping for the
19 first floor meter or for the -- this would be the
20 piping that supplies the boiler and the hot water
21 tank for the first floor.

22 In this case, during the investigation

1 we could see that the same -- exact same pipe dope
2 that was used that we found on the inlet side on the
3 free gas side has been used on the house piping for
4 the first floor, which tells us that this is where
5 the illegal connection went to. It's the same pipe
6 dope on both sides.

7 MS. JOANNE UNZUETA: The illegal connection went
8 to the first floor -- supplies the first floor?

9 THE WITNESS: Supplied to first floor appliances.

10 MR. McCARTHY: Q. And this is --

11 **A.** And this is just a picture of -- Page 6 is a
12 picture of the first floor hot water tank. I'm
13 sorry. This is -- this is the first floor hot
14 water tank, yes.

15 MS. JOANNE UNZUETA: He say -- my father say you
16 could see where the connection goes. It goes with
17 the boiler and the pipes are still there.

18 JUDGE HAYNES: You'll have an opportunity to
19 question him --

20 MR. UNZUETA: I know.

21 JUDGE HAYNES: -- about the description of these
22 pictures.

1 MR. McCARTHY: I don't have any more questions
2 for this witness.

3 JUDGE HAYNES: Okay. You may cross-examine the
4 witness now.

5 CROSS EXAMINATION

6 BY

7 MR. UNZUETA:

8 Q. Supposedly you say in July of 2002 you
9 went to the house and nobody let you know?

10 A. Right.

11 THE INTERPRETER: He says that he's always there.

12 THE WITNESS: Doesn't mean he let us in.

13 MR. UNZUETA: Q. So he's the person that didn't
14 let --

15 A. They're not identified specifically.

16 MS. JOANNE UNZUETA: The first time he say that
17 you are not putting something, that Hobson and the
18 other guy went the first time.

19 MR. McCARTHY: Objection. He has to ask --
20 strangely enough, he has to actually ask a question.

21 MS. JOANNE UNZUETA: A question?

22 MR. McCARTHY: So he has to ask a question to get

1 a response, and that was not a question. Sorry.

2 MS. JOANNE UNZUETA: Okay. He says that he wants

3 another proof because photographs he say they could

4 be manipulated.

5 JUDGE HAYNES: You have to give her a chance to

6 translate.

7 MS. JOANNE UNZUETA: I told him that photos could

8 be manipulated through computer. That was the last

9 thing I told him.

10 MR. McCARTHY: Objection. Again, all this --

11 everything so far I'm objecting on the grounds he's

12 not asking questions.

13 JUDGE HAYNES: Does we have a question to the

14 witness?

15 MR. UNZUETA: No.

16 MS. JOANNE UNZUETA: He's telling me what he has

17 said that he's asking him what he had to say.

18 JUDGE HAYNES: You have a question for this

19 witness? Translate.

20 (A brief pause.)

21 MR. UNZUETA: Q. In August they went to cut the

22 pipes?

1 **A.** Yes.

2 **Q.** There was a guy that was driving the truck
3 and the other guy -- okay. Why in that exact moment
4 supposedly he found violations the first time they
5 went? Why did they take the picture -- why when
6 they wait all the time to take the pictures after?

7 **A.** Our guys?

8 **Q.** Yes.

9 **A.** They didn't get in in July.

10 MS. JOANNE UNZUETA: He opened the door the first
11 time in the basement. The time they went in was
12 like 11:45 or 11:45 to 12.

13 MR. McCARTHY: That's not a question. That's a
14 statement. Objection.

15 JUDGE HAYNES: So I think what he's trying to ask
16 is there any -- do Peoples' records show that in
17 July of 2002 that Peoples' employees entered this
18 house.

19 THE WITNESS: No.

20 JUDGE HAYNES: I think that's what his question
21 is. That's what his question was?

22 MS. JOANNE UNZUETA: Yes. He said that he would

1 like records showing that they came in. He has
2 another question. He said that if the four of them
3 were, or wherever, in Iraq, the four of them,
4 because it's not just two people, it was four
5 people, the two guys, the first one, and then the
6 other two, it was not the two same people.

7 MR. McCARTHY: I have not been asked to produce
8 anybody for a hearing. I object. First of all,
9 it's not a question to the witness.

10 MS. JOANNE UNZUETA: I'm asking him if it's not
11 the same people. It's not the same two people. It
12 was four different people that went.

13 JUDGE HAYNES: Okay. So --

14 MS. JOANNE UNZUETA: My father does understand
15 that probably two people there were -- or taking
16 care of their business or even up to three, but what
17 about the other two?

18 JUDGE HAYNES: So your father says that four
19 Peoples' employees came in July?

20 MS. JOANNE UNZUETA: The first time two, then the
21 other -- the second time two other different
22 persons.

1 JUDGE HAYNES: But --

2 MS. JOANNE UNZUETA: The first person --

3 JUDGE HAYNES: What's the question? Are they the

4 same two people? What are you asking this witness?

5 MS. JOANNE UNZUETA: I'm asking him if it's the

6 same two people that went, because my father says

7 that it's not. There were four people. The first

8 time it was two, then the second time it was two

9 other different guys.

10 JUDGE HAYNES: Plus the original two?

11 MS. JOANNE UNZUETA: Exactly.

12 JUDGE HAYNES: Do the records -- what do Peoples'

13 records show? Who were the employees? How many

14 went each time in July?

15 THE WITNESS: Our records show that our two

16 investigators were there on July 22 and October 7.

17 MS. JOANNE UNZUETA: It was August. On August

18 19 supposedly they cut the pipe like around 11:45

19 to -- from 1145 to 1 o'clock, around there they were

20 there.

21 THE WITNESS: The gentleman who cut the pipe?

22 MS. JOANNE UNZUETA: Yes, because they even leave

1 the big old hole. We put something so the kids
2 would not fall, because they didn't bother to check,
3 like they dig it out to put everything back.

4 MR. McCARTHY: I'm objecting. I'm not hearing
5 questions. I'm just sort of hearing a redirect or
6 something.

7 JUDGE HAYNES: Maybe the witness could walk us
8 through. I believe there are three visits to this
9 house and who was there each time. Okay. So is
10 that what his question is, these three visits who
11 was there?

12 MS. JOANNE UNZUETA: Uh-huh.

13 MR. UNZUETA: Second time he said he opened, the
14 other times -- the two times he opened the door. He
15 don't know the first time because he say it was
16 three times.

17 JUDGE HAYNES: Okay. Maybe you could answer
18 that. Who was there?

19 THE WITNESS: Sure. Absolutely. The first visit
20 was July 22nd. We did not get in apparently.

21 JUDGE HAYNES: Let her translate.

22 (A brief pause.)

1 THE WITNESS: This document is from the
2 distribution department on the day that they cut the
3 pipe, and this was August 19th.

4 (Interruption.)

5 JUDGE HAYNES: Okay. You confused me. If this
6 is going to continue, this hearing, when Peoples
7 Gas' witness is speaking, the only other person that
8 should be speaking is the translator, not your
9 father.

10 THE WITNESS: This document states that the
11 distribution department did cut off the pipe on that
12 day. It does not say anywhere on here that they
13 entered the premises. If, in fact, they did enter
14 the premises, they're not investigators to look for
15 the things that we are looking for.

16 MS. JOANNE UNZUETA: Could he ask a question?

17 JUDGE HAYNES: Let him finish walking through
18 these.

19 THE WITNESS: And the third visit was October 7.
20 That was conducted by our investigators.

21 MS. JOANNE UNZUETA: Only he wants to talk about
22 August, what happened.

1 JUDGE HAYNES: So what's his question about
2 August?

3 MS. JOANNE UNZUETA: He's got a question.

4 MR. UNZUETA: Q. Why it says here service
5 complete, so the service needed to be complete, so
6 they dig everything, they dig it from the outside?

7 A. It means the cutoff was complete from the
8 outside.

9 MS. JOANNE UNZUETA: He's got a question. He
10 says how could he be stealing from outside if he got
11 to dig all that or do whatever he got to do? People
12 needed to see -- people needed to be witnesses and
13 he still says that why say if the service was
14 complete here, so he went through the basement, they
15 found all that that same day --

16 THE WITNESS: No.

17 MS. JOANNE UNZUETA: -- so its service to be
18 completed?

19 THE WITNESS: No. These gentlemen are here.

20 (Interruption.)

21 MR. MCCARTHY: Sorry. I mean, my witness is
22 trying to testify.

1 JUDGE HAYNES: You have to give everybody a
2 chance. One at a time.

3 THE WITNESS: The distribution here was on the
4 19th to only cut the gas off from outside. That's
5 their -- the job they were given. They did complete
6 it. They cut the gas off from outside.

7 JUDGE HAYNES: Okay.

8 MS. JOANNE UNZUETA: And he says they went in
9 also.

10 JUDGE HAYNES: Is that a question?

11 MS. JOANNE UNZUETA: He say that if they had --
12 if they told him to dig only outside and they were
13 going to do outside, why did they enter the house?
14 Why they went in if their business was outside
15 cutting the system from outside, not the --

16 MR. McCARTHY: Objection on the grounds I think
17 he's repeatedly said there's no indication on the
18 documents that they went inside, so it's a question
19 that's sort of not based on his testimony.

20 JUDGE HAYNES: Let her translate.

21 (A brief pause.)

22 MS. JOANNE UNZUETA: He said this is like

1 monopoly what they're doing.

2 JUDGE HAYNES: Okay.

3 MS. JOANNE UNZUETA: He said he like to go to

4 another court higher because --

5 JUDGE HAYNES: Do you have another question for

6 this witness?

7 MS. JOANNE UNZUETA: My father the last thing he

8 said was -- is they're paying them to do their job.

9 They should write everything down on paper what

10 they're doing. Why they didn't write down that they

11 went inside the house, because it was not good for

12 them to do that, so they --

13 MR. McCARTHY: This is all -- you know, you are

14 not allowed to testify on cross-examination, which

15 is effectively what he's doing.

16 JUDGE HAYNES: I understand.

17 It is -- so that you understand, he

18 did testify in his direct examination that the

19 Peoples' employees entered the building in July and

20 what this witness has testified is that the records

21 don't indicate that.

22 THE WITNESS: In August --

1 JUDGE HAYNES: Not --

2 THE WITNESS: -- not July.

3 JUDGE HAYNES: Excuse me. In August. It's up to

4 me to determine what that -- what that proves,

5 because this witness doesn't know, because the

6 records don't show it. It doesn't affect

7 necessarily the outcome of your case.

8 MS. JOANNE UNZUETA: He said this guy named

9 Garsa he lied to him saying he was going to put a

10 new system and he didn't. It was just to take the

11 meter out, and the lady that was renting for 20 days

12 he couldn't get her service, couldn't get none of

13 her service, so she left.

14 JUDGE HAYNES: He testified to that earlier. Is

15 there a question for -- pertaining to that from this

16 witness?

17 MS. JOANNE UNZUETA: (Shaking head.)

18 JUDGE HAYNES: No? Okay. If you have no

19 further questions for this witness or about these

20 pictures -- does he have a question about the

21 pictures?

22 MR. UNZUETA: Yes.

1 MS. JOANNE UNZUETA: He says that he got to be
2 the devil. He's got to have some magic powers
3 because how can he get the service from the outside
4 inside the house and do all that work with the pipes
5 and the only thing that he could come up with if you
6 don't work with Peoples Gas how are you going to
7 know how to do that?

8 JUDGE HAYNES: I don't really understand that
9 question, so is what she's -- what he's trying to
10 ask is how --

11 MS. JOANNE UNZUETA: How can he do all that?

12 JUDGE HAYNES: If it was cut outside by the
13 street --

14 MS. JOANNE UNZUETA: How can he do all that?
15 Supposedly, they said he did that. He was stealing
16 the gas and all that if he don't know how that's --
17 what he says, he don't know who -- know how to do
18 none of that stuff.

19 MR. McCARTHY: That's testimony.

20 MS. JOANNE UNZUETA: Then he's got a question.
21 He says the meter they got locks -- a special lock.

22 JUDGE HAYNES: Yes, they have locks.

1 THE WITNESS: Yes.

2 MS. JOANNE UNZUETA: Where his hand is --

3 JUDGE HAYNES: Okay.

4 MS. JOANNE UNZUETA: -- if it has a lock, the gas

5 will not go through it or --

6 THE WITNESS: If you take down the meter bar, it

7 has no effect. The gas -- the lock in this has no

8 effect on anything. The free gas is coming from

9 this pipe. Once this is dropped, the lock has no

10 interference in any way.

11 MS. JOANNE UNZUETA: He said that if you could

12 explain how can you pass from a pipe that is cut to

13 another pipe so the service could go in the house so

14 he could understand.

15 JUDGE HAYNES: I think what Peoples is saying the

16 gas was stolen before the outside was cut; is that

17 correct?

18 MR. McCARTHY: Yes.

19 THE WITNESS: That's correct.

20 MR. McCARTHY: That will be made clear in our

21 billing I think.

22 JUDGE HAYNES: I think that's what the question

1 is.

2 THE WITNESS: That's true.

3 JUDGE HAYNES: Okay. Perhaps -- sorry. Go

4 ahead.

5 MS. JOANNE UNZUETA: You were saying that -- he

6 said that they were stealing the gas before they

7 took -- before they cut the pipes, right?

8 JUDGE HAYNES: Well, that's probably what the

9 problem is. Perhaps you could explain what was cut

10 earlier, I think the 2001 or something, and then

11 what was cut in August of 2002. Two different

12 things were done by Peoples to this account.

13 THE WITNESS: Right. In August, and I believe

14 I'm correct here, in August of 2001, they locked off

15 both meters in the building.

16 MR. McCARTHY: Q. Where did they do that, Dave?

17 A. They locked it at the valve on the meter

18 bar.

19 JUDGE HAYNES: Please let her translate that.

20 MS. JOANNE UNZUETA: On both floors?

21 THE WITNESS: Yes.

22 (A brief pause.)

1 MS. JOANNE UNZUETA: Okay. He's saying that his
2 brother -- his brother's gas was cut first before
3 his, so why he's bringing up the two of them?

4 JUDGE HAYNES: Okay. If he has a question, we
5 are going to let him finish. Okay. He's going to
6 answer. He's going to explain what cuts were made,
7 then you can ask another question. Let him answer
8 the question that's pending.

9 THE WITNESS: According to our records, and
10 Ms. Mathias can collaborate, that both meters were
11 actually locked off in August of 2001, which means
12 that that was not her gas coming into the building.
13 Although it was locked off, the gas was not
14 physically in the building until it was cut from
15 outside in August of 2002.

16 MS. JOANNE UNZUETA: Q. In March of 2002, he
17 went to pay the first bill half, and you have the
18 records, half of price and still we had gas the
19 first floor.

20 MR. McCARTHY: That's not a question. Objection.

21 JUDGE HAYNES: Are you asking -- perhaps this is
22 a question for the next witness who probably will

1 know about what payment you made.

2 MR. McCARTHY: Yes. That's true. Peoples Gas is
3 not going to -- I can tell you right now we're not
4 going to deny that he made a \$1,000 payment towards
5 the March bill, so it's not an issue in dispute.

6 MR. UNZUETA: So not denying that they did not
7 have gas. He's saying how can he be stealing gas
8 for the second floor when nobody was living up
9 there.

10 JUDGE HAYNES: I think he's mischaracterized this
11 witness' testimony, so perhaps he did not
12 understand, maybe it was mistranslated.

13 EXAMINATION

14 BY

15 JUDGE HAYNES:

16 Q. Peoples, you testified that the illegal
17 hook-up -- of what you said was an illegal hook-up
18 went to which floor?

19 A. The source of the theft we believe came in
20 the second floor meter drop and came over and fed
21 the first floor house piping, because that's where
22 the boiler was and one of the hot water tanks.

1 MS. JOANNE UNZUETA: So it went to the second
2 floor?

3 JUDGE HAYNES: Q. I don't think I understood.

4 A. Okay. Basically there's a pipe that comes
5 into the building --

6 Q. Okay.

7 A. -- which is the gas company's pipe. It's
8 our building service from that pipe. In the case of
9 this building, there are two pipes coming down
10 because there are two meters.

11 (Interruption.)

12 JUDGE HAYNES: Okay. It's getting explained, so
13 let this witness finish.

14 THE WITNESS: If you drop either meter, you have
15 free gas. In this case, for whatever reason, we
16 found the violated drop was the second floor drop.

17 MS. JOANNE UNZUETA: They drop if they said --

18 JUDGE HAYNES: Is this an accurate -- so your
19 father's drawing a picture how the meters are set
20 up.

21 MR. UNZUETA: That's from the second floor
22 (indicating). That's from the first floor

1 (indicating). The second floor component they took
2 the gas off in 2001.

3 MS. JOANNE UNZUETA: And the second floor was in
4 May 2002 or in June?

5 THE WITNESS: 2.

6 JUDGE HAYNES: 2.

7 MR. McCARTHY: Is there a question?

8 MR. UNZUETA: He has a question. He says that
9 how can he supply from the meter, that it was cut to
10 the one that wasn't cut? How can he supply from
11 that?

12 MR. McCARTHY: I think it would be a help to
13 everybody if Dave simply maybe drew a picture. He's
14 attempting to draw a picture of what he says
15 happened here. I'm not sure how we set up piping.

16 THE WITNESS: It would be obviously very similar
17 to what you see.

18 MS. JOANNE UNZUETA: You have got -- the last
19 question, he doesn't understand why didn't they take
20 the pictures in August, took the meter out in
21 August --

22 THE WITNESS: What happened in --

1 MS. JOANNE UNZUETA: -- and they went inside.

2 THE WITNESS: What happened in August, I cannot

3 go into.

4 MS. JOANNE UNZUETA: And they cut the service

5 outside from August or go through back or take the

6 meters. What they did --

7 JUDGE HAYNES: He's asked the question so why

8 didn't the employees in August take the pictures.

9 Is that what his question was ?

10 MR. UNZUETA:. Uh-huh.

11 THE WITNESS: They're distribution department

12 workers. That is not their job. Their job consist

13 of work that's done on the service that leads into

14 the building. Their job is to work outside the

15 building., in the street, in the pipes. That's

16 their job.

17 MS. JOANNE UNZUETA: But I think -- my father say

18 that he was witness, that he was there. They did go

19 in and he got another witness that they did go in.

20 JUDGE HAYNES: This question has been why they

21 went in has been asked and answered. That's all I

22 can tell you that he has answered that question

1 already.

2 MS. JOANNE UNZUETA: He's just saying they didn't
3 have no right to go in.

4 MR. McCARTHY: That's not a question.

5 MS. JOANNE UNZUETA: He asking a question. He
6 say what about he went into your desk and went
7 through your stuff and he violating your privacy
8 because he's not asking you.

9 JUDGE HAYNES: Well, that's not at issue in this
10 case.

11 MS. JOANNE UNZUETA: He's using like an example I
12 guess.

13 JUDGE HAYNES: I understand that, but this
14 witness has answered why these employees didn't take
15 the pictures in August.

16 MS. JOANNE UNZUETA: He say if you bring them --
17 who you can bring, like whoever you want, and he
18 will point out who came in because he opened the
19 door for them and he's still asking about the four
20 guys. He understands two cannot be here, but what
21 about the other two? They're part of this, too.
22 They're witnesses. They work at Peoples Gas.

1 MR. McCARTHY: I don't think this is necessarily
2 a question that's directed at my witness but more as
3 to why witnesses aren't here. We were never asked
4 to provide witnesses. We provided the witnesses
5 that are designed to define our case and all that we
6 think is necessary to elicit the relevant testimony
7 in this case.

8 MS. JOANNE UNZUETA: He's got another question.
9 He say that when Garsa was taking all that off,
10 he -- the other guy that was next to him -- he told
11 him not to do it.

12 MR. McCARTHY: That's his testimony. Again, he
13 never raised any of this earlier in the case. It's
14 outside the scope.

15 MS. JOANNE UNZUETA: Okay. He says that second
16 time they went they went through the basement when
17 they took everything out, or whatever they did, how
18 come they went to the second floor and they didn't
19 see no electric appliances? Why they entered the
20 second floor? They were suppose to just enter the
21 basement because supposedly the pipes are in the
22 basement, not in the second floor. Why they got to

1 be in the second floor?

2 JUDGE HAYNES: If you know the answer to this

3 question based on this report?

4 THE WITNESS: Yes. It states that access was

5 allowed by the second floor tenant who identified

6 themselves as Juana Aparisio, and stated that she

7 has been living here for 15 days. The house is well

8 lived in. The owner on the first floor was home but

9 insisted we go up through the second floor apartment

10 and then back down to the basement.

11 MS. JOANNE UNZUETA: What?

12 THE WITNESS: Aparisio.

13 MR. UNZUETA: She didn't live there only 20 days.

14 JUDGE HAYNES: Let the witness finish. Were you

15 finished?

16 THE WITNESS: Yes. That's why they went up

17 there, the second floor. The first floor would not

18 allow them.

19 MS. JOANNE UNZUETA: She's just renting, not --

20 MR. McCARTHY: Objection. Translator shouldn't

21 be asking questions.

22 MS. JOANNE UNZUETA: She's not the owner.

1 MR. McCARTHY: Objection; relevance.

2 JUDGE HAYNES: Okay.

3 MS. JOANNE UNZUETA: That's violation because

4 they gave us a person that's not owner giving

5 permission to go through the basement. She lives

6 upstairs.

7 MR. McCARTHY: Objection; relevance, and it's a

8 statement, not a question.

9 MS. JOANNE UNZUETA: It was Aparisio that opened

10 the door?

11 THE WITNESS: They identified themselves as Juan

12 Aparisio. They went to the second floor and go down

13 stairs. They went through second floor because the

14 first floor would not allow them to.

15 MR. UNZUETA: He got the keys for the basement.

16 She don't have no keys and without that key nobody

17 goes in.

18 MR. McCARTHY: Objection.

19 JUDGE HAYNES: Okay.

20 MR. UNZUETA: The thing we cannot understand how

21 come they could -- the lady open door and she never

22 had keys?

1 MR. McCARTHY: Objection. Well, let's put it
2 this way. Are they stating that that guy -- first
3 of all, I hear testimony on that they were in their
4 basement on 10-7, so this questioning is somewhat
5 absured. You admitted it.

6 MS. JOANNE UNZUETA: Then Juana Aparisio didn't
7 open the door. It needed to be him.

8 JUDGE HAYNES: Have you translated these
9 sentences for him on this page, Page 5 and 6? This
10 is what the witness just read.

11 MS. JOANNE UNZUETA: She wants to go to higher
12 court because the thing that got him like that is
13 that they're saying that he's stealing gas. That's
14 the thing. It's not even about money, because he
15 say that he knows that he owes in the second floor
16 and he don't care about his brother's account, but
17 the thing is they said they found something in the
18 pipes.

19 MR. McCARTHY: Objection. I'm just doing
20 this --

21 JUDGE HAYNES: To preserve your record.

22 MR. McCARTHY: Yes. Exactly.

1 JUDGE HAYNES: Have you translated those
2 sentences for your father? And I believe that's
3 what he was saying --

4 MS. JOANNE UNZUETA: She was living here for 15
5 days.

6 JUDGE HAYNES: That's probably correct because
7 it's Juana Aparisio.

8 MS. JOANNE UNZUETA: See, but that little mistake
9 if we would have done that, too, like do a little
10 mistake --

11 JUDGE HAYNES: Translate these two sentences for
12 your father, these two, the last four lines on this
13 page.

14 MS. JOANNE UNZUETA: The last four lines?
15 (A brief pause.)
16 He say that he would like person that
17 he talked to or told him that he was insisting on
18 they could go to the second floor.

19 JUDGE HAYNES: That request would have had to be
20 made before today. Today's the trial. You didn't
21 request these witnesses appear.

22 MS. JOANNE UNZUETA: Oh, we did on the paper.

1 Yes, we did on the paper.

2 MR. McCARTHY: I can produce what they asked for.

3 They asked for names.

4 MS. JOANNE UNZUETA: He said he did. He wants to

5 go to another court because he say this is monopoly.

6 People don't even got competition.

7 JUDGE HAYNES: Just for your information, if you

8 go to another court to argue your gas bill, they

9 will tell you that you need to come here first.

10 Did you request -- when did you request

11 these witnesses?

12 MS. JOANNE UNZUETA: I wrote the paper and I

13 requested -- I wanted the guys and I didn't just

14 only say that, I also said that I wanted to go to a

15 higher court so they could prove that I wasn't

16 stealing because you could accuse somebody of

17 stealing. If you ain't got proof, that's worse.

18 MR. McCARTHY: I produced what I received.

19 JUDGE HAYNES: Let the Peoples' attorney --

20 MS. JOANNE UNZUETA: And they -- they were --

21 that Peoples Gas was rude, because I wrote the

22 paper. I wrote it. I wrote we used to call here.

1 They used to sometimes answer questions, sometimes
2 leave us hang on for minutes.

3 JUDGE HAYNES: Are you talking about this
4 (indicating)?

5 MS. JOANNE UNZUETA: (Nodding head.)

6 JUDGE HAYNES: This is when?

7 MS. JOANNE UNZUETA: Can I give papers so I could
8 read the part where I said -- back where I said I
9 wanted the people? It says right here May of 2000,
10 okay, not only did cutoff my service but on November
11 the same year they came for meter saying stealing
12 the gas, something I want the workers of Peoples Gas
13 to prove.

14 JUDGE HAYNES: Okay.

15 MR. McCARTHY: We did.

16 JUDGE HAYNES: The problem is that --

17 MS. JOANNE UNZUETA: The workers, the people that
18 went in.

19 MR. McCARTHY: Oh, here it is. Here's the
20 request that we received, and I think that she's
21 referring to having typed up --

22 JUDGE HAYNES: I think she actually meant

1 this (indicating).

2 MR. McCARTHY: Did you mean that?

3 MS. JOANNE UNZUETA: There's another part to it.

4 When I say prove and it's cut, then I keep on going

5 to another page. I thought I had put -- tried to

6 make it clear that I wanted the workers, the people

7 that went in, not the people that didn't go in.

8 JUDGE HAYNES: You haven't specifically requested

9 witnesses to appear. Peoples Gas has provided the

10 witnesses that they felt support their side, as it's

11 too late now, because it's the day of trial, for you

12 to request that other witnesses appear.

13 MS. JOANNE UNZUETA: But I put on that paper that

14 we wanted the workers to prove that workers --

15 JUDGE HAYNES: These are workers coming to

16 prove --

17 MS. JOANNE UNZUETA: But the workers that went

18 inside, but he wasn't there, like my father said --

19 JUDGE HAYNES: I understand.

20 MS. JOANNE UNZUETA: -- and he wants people in

21 front of his face saying -- accusing him of stealing

22 the gas saying you are a thief or whatever.

1 JUDGE HAYNES: Do you have any further questions
2 for this witness?

3 MR. UNZUETA: No.

4 JUDGE HAYNES: Okay. I don't believe we have
5 admitted --

6 MR. McCARTHY: No.

7 JUDGE HAYNES: -- these into the record.

8 MR. McCARTHY: No, I haven't moved for that yet.
9 I move for Respondent's 3 -- Group Exhibits 3 and 4
10 to be moved into the record -- moved into evidence.

11 JUDGE HAYNES: Translate it. We have discussed
12 these.

13 MS. JOANNE UNZUETA: Pictures?

14 JUDGE HAYNES: Pictures and also these papers.
15 Now the Peoples' attorney has asked that they be
16 officially entered into the record. Does he have an
17 objection or --

18 (a brief pause.)

19 MS. JOANNE UNZUETA: No, he don't know nothing,
20 so he don't fear nothing. You can put them he said.

21 JUDGE HAYNES: Respondent's Group Exhibits 3 and
22 4 are admitted.

1 (Whereupon, Respondent's
2 Group Exhibit Nos. 3 & 4
3 were received in
4 evidence.)
5 Okay. Now we are going -- excuse me.
6 Not right now. Now we are going to move onto the
7 next Peoples' witness.
8 MR. McCARTHY: Peoples Gas calls Muriel Mathias.
9 I'll put these out of the way. All right. Peoples
10 Gas calls Muriel Mathias.
11 JUDGE HAYNES: Please raise your right hand.
12 (Witness sworn.)
13 Thank you.
14 MURIEL MATHIAS,
15 called as a witness herein, having been first duly
16 sworn, was examined and testified as follows:
17 DIRECT EXAMINATION
18 BY
19 MR. McCARTHY:
20 Q. Ms. Mathias, can you please state your first
21 name and spell your last name for the court
22 reporter.

1 **A.** Muriel Mathias spelled M-u-r-i-e-l. Mathis
2 is M-a-t-h-i-a-s.

3 **Q.** And who's your employer?

4 **A.** Employed by Peoples Gas.

5 **Q.** And what do you do for Peoples Gas?

6 **A.** I work in the revenue assurance department.
7 My duties would include reviewing of, investigating,
8 calculating, and collecting lost revenue for the
9 company.

10 JUDGE HAYNES: Let her translate.

11 MR. MCCARTHY: **Q.** How long have you worked for
12 Peoples Gas?

13 **A.** Twenty-four years.

14 **Q.** And how long have you been in -- I'm sorry.
15 (A brief pause.)

16 I'll let you -- how long or what's your
17 current job title?

18 **A.** Account specialist.

19 **Q.** And how long have you been an account
20 specialist?

21 **A.** Approximately nine years.

22 **Q.** As an account specialist, I think you said

1 you investigate unauthorized gas usage?

2 **A.** Exactly.

3 **Q.** How many cases of unauthorized gas suppliers

4 have you investigated and prepared bills for?

5 **A.** Over a thousand.

6 **Q.** Pursuant to your duties, did you become

7 involved in your investigation of gas accounts for

8 unauthorized gas usage of 3536 West Hirsch in

9 Chicago?

10 **A.** Yes.

11 **Q.** Okay. I'm going to just start with an

12 overview of this so we can get some sort of big

13 picture. Maria Unzueta is responsible for gas

14 service and unauthorized gas service?.

15 **A.** Yes.

16 MR. MARIA UNZUETA: Unauthorized?

17 JUDGE HAYNES: Let her translate.

18 (A brief pause.)

19 MR. MCCARTHY: Q. What is the amount that

20 Peoples Gas is seeking to recover?

21 **A.** The total for reconnecting in the summation

22 earlier is \$3,275.81.

1 **Q.** Okay. And can you break that down for me
2 into amounts that are due for authorized gas
3 service, the amount that are due for unauthorized
4 service?

5 **A.** For authorized or the gas that was flowing
6 through the meter, the gas that's left unpaid at
7 this time would be \$1,627.29.

8 **Q.** Okay. And then --

9 JUDGE HAYNES: Let her translate.

10 MS. JOANNE UNZUETA: One thousand two hundred you
11 said?

12 THE WITNESS: One thousand six hundred
13 twenty-seven dollars and twenty-nine cents.

14 MS. JOANNE UNZUETA: I thought it was 1,200
15 first.

16 JUDGE HAYNES: Translate.

17 MR. McCARTHY: Please translate.

18 JUDGE HAYNES: So you haven't translated yet.

19 (A brief pause.)

20 Okay.

21 MR. McCARTHY: **Q.** All right. How -- let me ask
22 you about that authorized gas. When did the

1 authorized gas usage end?

2 **A.** The authorized gas usage ended on August the
3 20, 2001.

4 **Q.** Okay.

5 MS. JOANNE UNZUETA: Authorized gas, right?

6 THE WITNESS: Right.

7 JUDGE HAYNES: Authorized.

8 MS. JOANNE UNZUETA: Authorized.

9 What year? 2001?

10 THE WITNESS: 2001.

11 MS. JOANNE UNZUETA: What floor?

12 JUDGE HAYNES: Which?

13 MR. McCARTHY: I'm sorry. I'm asking the
14 questions.

15 MR. McCARTHY: Q. What floor?

16 **A.** For the first floor.

17 **Q.** Okay. How much was the bill? I'm sorry.

18 JUDGE HAYNES: No, not you.

19 MR. McCARTHY: Q. How much was the bill actually
20 when the service was shutoff on August of 2001?

21 **A.** The bill at that time was \$1,627.29.

22 **Q.** All right. But --

1 MS. JOANNE UNZUETA: It was first what? 1,200?

2 JUDGE HAYNES: Six hundred.

3 MS. JOANNE UNZUETA: Six hundred? That's because

4 my father told her, but right there she had 1,200.

5 MR. MCCARTHY: Q. Is there any -- was there a

6 payment made subsequent to the account being

7 shutoff?

8 A. There are only two payments on the first

9 floor account. There was a payment for \$1,000 that

10 was received September the 26, 2002, and then there

11 was another payment on April the 16, 2001 in the

12 amount of \$500.

13 MS. JOANNE UNZUETA: 2001, right? September was

14 2001?

15 THE WITNESS: September 26, 2002 payment was made

16 for 1,000.

17 MS. JOANNE UNZUETA: He made in March, not in --

18 JUDGE HAYNES: Then she mentioned two payments.

19 Did you translate both payments?

20 MS. JOANNE UNZUETA: The one in September and the

21 other one in -- what was the other one?

22 THE WITNESS: April 16.

1 JUDGE HAYNES: April 2001.

2 MS. JOANNE UNZUETA: He say he made it in March.

3 JUDGE HAYNES: All you are doing is translating

4 what she said, and she said April of 2001 -- of

5 2001.

6 MR. McCARTHY: All right.

7 JUDGE HAYNES: Okay.

8 MR. McCARTHY: Q. Now what I actually asked you

9 is are there any payments made after the shutoff,

10 and I think what your response was is, yes, there

11 were two payments, one of which you gave me was

12 before the shutoff.

13 A. Right.

14 Q. The one after the shutoff was for \$1,000?

15 A. Exactly.

16 Q. What was the balance left after that?

17 A. That would bring the balance to \$1,627.29.

18 Q. So if -- you had stated earlier, didn't you,

19 that the balance was \$1,600 before it was shutoff;

20 is that right?

21 A. Right.

22 MS. JOANNE UNZUETA: Didn't you tell me before

1 that it was 1,200 and you gave me the paper and
2 then --

3 MR. McCARTHY: Excuse me.

4 JUDGE HAYNES: There's a question pending before
5 this witness.

6 MR. McCARTHY: I can't remember it right now,
7 but I'll try.

8 (Question read by
9 reporter.)

10 The balance goes from \$1,600 after
11 a \$1,000 payment.

12 A. Okay. The total --

13 Q. Are there any records that might help you?

14 A. Yes, the original balance or the original
15 balance before your payment was \$2,627.29.

16 MS. JOANNE UNZUETA: For both?

17 THE WITNESS: We did receive the payment of
18 \$1,000 and that brought it down to \$1,627.29.

19 MR. McCARTHY: Thank you.

20 MR. UNZUETA: When?

21 MS. JOANNE UNZUETA: He's asking when.

22 MR. McCARTHY: I think she's already stated

1 when that was. We received a payment in September
2 with the recent payment of \$1,000.

3 THE WITNESS: On September the 26, 2002.

4 MR. McCARTHY: No question. No question.

5 MS. JOANNE UNZUETA: He said you got the papers
6 when he paid.

7 MR. McCARTHY: Exactly.

8 JUDGE HAYNES: Okay. No questions. Mr. McCarthy
9 is questioning the witness now.

10 MR. McCARTHY: Q. Now what I'm trying to do is
11 do an overview. I'm not sure I'm doing the best job
12 of it.

13 There is also -- you stated there's an
14 amount of \$3,275 owing from Ms. Maria Unzueta. You
15 have explained that \$1,627 of it is for authorized
16 gas usage.

17 A. For authorized.

18 Q. What is the other portion for?

19 A. The other portion would be for unmetered
20 gas, and the unmetered period that this is being
21 billed for is from August the 20, 2001 through
22 August the 19, 2002.

1 **Q.** And how much is the bill for that period?

2 **A.** The bill for that period is \$1,122.42.

3 **Q.** Okay. And --

4 JUDGE HAYNES: Let her translate.

5 MR. McCARTHY: Oh, I'm sorry.

6 (A brief pause.)

7 MR. McCARTHY: **Q.** If I understand you right,

8 there's -- those two numbers don't add up to \$3,275.

9 How does the number go up from there?

10 **A.** The additional charge would be reconnection

11 of service. The reconnection charge would be

12 \$243.10. That's for the service people to come out

13 and restore the gas, and then also a security

14 deposit is required. The security deposit is \$283.

15 MS. JOANNE UNZUETA: So total will be like 500?

16 JUDGE HAYNES: Explain exactly what she just

17 said, 243.10 for reconnection and deposit --

18 security deposit for 283.

19 MS. JOANNE UNZUETA: He got them.

20 MR. McCARTHY: **Q.** All right. Does Peoples Gas

21 have any record showing when the gas service was

22 terminated for the authorized portion?

1 reason we were there was to disconnect the service
2 for nonpayment.

3 Q. And is that -- what floor does that pertain
4 to?

5 A. This is pertaining to the first floor.

6 Q. Where does it show that?

7 A. Right at the top of the first line right
8 after the address.

9 Q. Okay. Turning your attention to Page 2 of
10 that document --

11 MS. JOANNE UNZUETA: 2002?

12 JUDGE HAYNES: 2001.

13 MS. JOANNE UNZUETA: 2001.

14 JUDGE HAYNES: Where does it indicate which
15 floor?

16 MR. McCARTHY: I'm sorry.

17 THE WITNESS: Very top line after the address.

18 JUDGE HAYNES: Floor one? Okay.

19 MR. McCARTHY: Q. Where does it show the date
20 that the service was terminated on the document?

21 A. To your right, upper right, August the 20,
22 shows the arrival date as well the arrival time.

1 Q. Okay. And -- okay. And does it show it was
2 completed?

3 A. Yes, it does.

4 Q. And is that next to the arrival area?

5 A. It's right above the completed date.

6 Q. Turning your attention to Page 2, what does
7 this document tell you?

8 A. This is letting us know that for the second
9 floor as well the service was turned off for
10 nonpayment on the same date, August the 20, 2001.

11 MS. JOANNE UNZUETA: And same date for both?

12 THE WITNESS: Same date.

13 JUDGE HAYNES: 2001?

14 MR. MCCARTHY: Q. I would just like to turn your
15 attention to the third page of this document.
16 Do you recognize that?

17 A. Yes. This is also a Peoples Gas document
18 which is stating all billing as well as the amount
19 billed for this address.

20 JUDGE HAYNES: Let her translate.

21 MS. JOANNE UNZUETA: He understood.

22 JUDGE HAYNES: Okay.

1 MR. McCARTHY: If I could take a break one second
2 here. Dave Denham we could use him back in the
3 field. Is he going to be needed for anything
4 further at this point?

5 JUDGE HAYNES: I don't think so.

6 You are excused. Thank you.

7 MR. McCARTHY: Thank you.

8 MR. McCARTHY: Q. All right. And back to my
9 questioning -- I'm sorry I didn't catch what you
10 said. What did you describe this as?

11 A. This is a Peoples Gas document that's
12 documenting the bills, the amount that we bill and
13 each time period that the billing took place.

14 Q. And this is for authorized usage?

15 A. This is authorized usage.

16 Q. And does it show -- can you tell me where or
17 if and where it shows the final bill at the time
18 they were turned off?

19 A. That would be one, two, three -- that would
20 be the fourth line down, which shows the charge off
21 amount at the time.

22 Q. Okay. And is that -- I note it says 3-1 of

1 2002. Why does it have that date? Didn't you say
2 it was shutoff in August?

3 **A.** Right. The service was shutoff on August 20,
4 2001. What are you looking at?

5 **Q.** (Indicating). I'm looking at the same
6 document you are looking at. I'm just asking --
7 oh, I'm asking you about the fourth line down. It
8 has a date of 3-1-2002?

9 **A.** That would be the date the money went to
10 charge off.

11 JUDGE HAYNES: Translate.

12 MS. JOANNE UNZUETA: Fourth line, right? Fourth
13 line? That's what he --

14 JUDGE HAYNES: This is just their billing
15 records.

16 (A brief pause.)

17 MR. McCARTHY: Q. Does it show also the entry of
18 the payment for \$1,000?

19 **A.** Yes, it does. It shows it.

20 **Q.** Where does it show?

21 **A.** The third line down, it shows the date as
22 well as the time that the money was received .

1 **Q.** And how much was that again?

2 **A.** One thousand dollars.

3 **Q.** All right. Let me move on from here. Okay.

4 Now what you were testifying there was to the

5 amounts that the account was originally shutoff.

6 For whose name was that account in?

7 **A.** When the service was terminated, it was

8 under the name of Maria Unzueta on the first floor.

9 **Q.** Okay. Thank you.

10 Now you stated that sometime -- well,

11 no -- that there was unauthorized usage on this

12 account; isn't that --

13 **A.** That's correct.

14 **Q.** I mean, at that address, I should say.

15 **A.** Yes.

16 **Q.** Does Peoples Gas -- well, how did you,

17 Peoples Gas, find out about that?

18 **A.** Well, that was discussed earlier with the

19 earlier documents. When the gas company was out

20 there, they were able to determine that the service

21 was used unauthorized.

22 **Q.** Did Peoples Gas prepare a bill for that

1 unauthorized gas service?

2 **A.** Yes, we did.

3 **Q.** And does Peoples Gas have copies of that,

4 the calculations and the bill?

5 **A.** Yes.

6 MR. McCARTHY: Let the record reflect that I'm

7 showing the other side --

8 MS. JOANNE UNZUETA: Calculations?

9 MR. McCARTHY: It's everything, yes, calculations.

10 Let the record reflect I'm showing him

11 copies of documents that's marked as -- or

12 a multi-page exhibit, Respondent's 2. I have given

13 a copy to Ms. Mathias and the judge has three

14 copies.

15 MR. McCARTHY: Q. Ms. Mathias, do you recognize

16 this packet of documents?

17 **A.** Yes.

18 **Q.** What is it?

19 **A.** This document would be the degree day

20 analysis in which the computation as to what was

21 used to calculate the bill.

22 **Q.** Okay. And could you -- I'm going to try to

1 walk --

2 JUDGE HAYNES: We're on the first page here.

3 MR. McCARTHY: Yes.

4 MR. McCARTHY: Q. Turn your attention to Page 1.

5 There's -- on the second half of the document

6 there's -- what does the second the lower half of

7 the document have?

8 A. Okay. The lower half of the document is

9 telling us that the time period in which you are

10 being billed for unmetered gas. That would be on

11 the first page (indicating). This is the time

12 period that we're billing for the unmetered portion.

13 MR. McCARTHY: I would like to walk through this

14 document with you, and if you could for me please

15 explain, you know, what is this degree day

16 computation.

17 A. Okay. Well, this is -- the degree day

18 analysis is a method of estimating gas usage based

19 on past history.

20 MS. JOANNE UNZUETA: The method you used, right?

21 THE WITNESS: Yes.

22 MS. JOANNE UNZUETA: How much gas they would use

1 up, right?

2 THE WITNESS: (Nodding head.)

3 MR. McCARTHY: Q. Does this calculation also
4 take into account the differences in weather between
5 the prior year usage and the usage forecast per --

6 A. Yes, it does. It is a degree day analysis,
7 so, therefore, the weather conditions are taken into
8 consideration.

9 Q. Okay. If you could, please explain to me
10 what the -- there's an -- under the title degree day
11 computation, there's an entry reg reading days and
12 and reg degree days.

13 These entries right here can you tell
14 me what that group of information immediately under
15 that and before the next title?

16 A. Okay. This is the area here -- these are
17 the dates that were -- that we use as a basis to
18 base the bill. It's for a comparable time period.
19 If you notice, the dates are also in August, from
20 August the 25th of 2000, and it went through August
21 the 20, 2001, so it's a comparable.

22 MR. McCARTHY: Are you translating?

1 MS. JOANNE UNZUETA: (Nodding head.)

2 MR. McCARTHY: Q. Did the company obtain actual

3 readings on the two dates you just mentioned?

4 A. Yes, it did.

5 Q. What were the readings?

6 A. On August the 25th of 2000 the meter reading

7 was 6640, on August the 20, 2001 the reading was

8 8348.

9 JUDGE HAYNES: Translate.

10 (A brief pause.)

11 MR. McCARTHY: Q. So how much gas was used

12 during that period?

13 A. The total would be 1708.

14 Q. What's the unit of measure?

15 A. That would be MRDs or meter reading

16 difference.

17 Q. Is that roughly a hundred cubic feet or is

18 that a hundred cubic feet of gas? Is that a hundred

19 cubic feet of gas?

20 A. A hundred cubic feet, right. Correct.

21 Q. Can you explain to me -- let's see now. The

22 period -- what was the number of days in the period

1 that you we are looking at?

2 **A.** The comparable period was 370 days.

3 **Q.** And now what is the calculation? I see a

4 times 1.69 non-heating factor equal 592 non-ATG MRD.

5 What does that mean?

6 **A.** Okay. The non-heating factor is the 1.6

7 which we would take out so that we can see what was

8 used for heating only.

9 **Q.** Okay. So what does that mean, they used 1.6

10 MRD?

11 **A.** Right, 1.6 meter reading difference --

12 **Q.** And --

13 **A.** -- per day.

14 **Q.** Per day? Okay. And then they just

15 multiplied that times the number of periods?

16 **A.** Exactly.

17 **Q.** Okay. And what did that come out to?

18 **A.** Where are you? You kind of lost me.

19 **Q.** How much non-heating usage was there during

20 the period?

21 **A.** The non-heating usage for that period 592.

22 **Q.** And that now what do you do with that 592?

1 **A.** Well, that 592 represents the non- --
2 represents the non-heating MRD and so this is --
3 this would be the calculated amount for that
4 comparable which we use to calculate the bill for
5 the actual period of time where the gas was
6 unmetered.

7 JUDGE HAYNES: Do you need to translate?

8 MS. JOANNE UNZUETA: He's listening.

9 MR. McCARTHY: Q. Did you subtract the
10 non-heating usage from all the total usage?

11 **A.** Yes. The non-heating usage is subtracted
12 out.

13 **Q.** What did that result in?

14 **A.** That resulted in the difference of 1,116
15 heating MRD.

16 **Q.** So there were 1,116 MRDs used for heating
17 over that period.

18 **A.** Exactly.

19 **Q.** Right?

20 **A.** And then that total would be divided by
21 6696. The 6696 represents the degree days that were
22 present during that period of time from August of

1 2000 through August of 2001.

2 **Q.** Okay. All right. And what exactly is a
3 degree day?

4 **A.** A degree day is -- would be the -- I have a
5 breakdown or definition to make it easier to
6 understand what a degree day is. A degree day would
7 be a measure of temperature for severity and is used
8 for heating purposes. It's the number of degrees in
9 a given day that the main temperature falls below 65
10 degrees Fahrenheit, so, therefore, a day having a
11 mean temperature of 60 degrees is said to contain
12 five degree days.

13 **Q.** Okay. So what is the result of dividing the
14 heating usage by the number of degree days in the
15 period?

16 **A.** That result would give you a fraction 0.166
17 MRD per degree day.

18 **Q.** So every time there's a degree day, they
19 used 1.6 meter reading of gas for heat?

20 **A.** Yes.

21 **Q.** Taking that information, do you happen to
22 know if this method accepted by the Commission for

1 calculating gas?

2 **A.** Yes, it is.

3 **Q.** And now there's a bunch of entries to this
4 document just beneath that under the forecast -- a
5 heading called "Forecast." What does all those
6 entries mean?

7 **A.** This is a period of time that we're billing
8 the account for unmetered gas, and those amounts
9 would be at the bottom there, and it shows the dates
10 or the time period that we're billing for unmetered
11 gas. Once again, unmetered gas would be from August
12 the 20, 2001 through August the 19, 2002, which
13 would be a total of 366 days.

14 **Q.** And how many degree days were there in that
15 period?

16 **A.** For that period, the degree day came to
17 5709.

18 **Q.** Where do we get the degrees day number
19 anyway?

20 **A.** These are numbers that are housed with the
21 National Weather Service, which is located out in
22 O'Hare Airport.

1 **Q.** Okay.

2 JUDGE HAYNES: Do you need to translate?

3 MS. JOANNE UNZUETA: No, because he's just

4 listening.

5 MR. McCARTHY: **Q.** And using that information, do

6 you use the prior usage then to the factors produced

7 by the prior usage to figure out what the usage

8 would have been during this -- the unauthorized gas

9 period?

10 **A.** Yes, we do.

11 **Q.** Okay. And what did Peoples -- this

12 calculation what did it show it would have been used

13 during the unauthorized gas usage period?

14 **A.** The total would be 1,532 total MRD and part

15 of that would be heating. The heating portion would

16 be 947 and the non-heating portion would be 585.

17 **Q.** Okay. And I would like to turn your

18 attention to Page 2 of this document. Do you --

19 are the readings used for the base period are they

20 referenced on Page 2?

21 **A.** Yes, they are.

22 **Q.** Where are they? Can you just give me an

1 idea?

2 **A.** For base --

3 **Q.** Yes.

4 **A.** The base period was August 25th of '02, and

5 if you look at the sheet here, you can see August

6 the 25th of 2000 we did receive a reading.

7 It was 6640 (sic), a van (sic) reading.

8 **Q.** And a van (sic) reading is it an actual

9 reading?

10 **A.** It can be considered as being an actual

11 reading, yes.

12 JUDGE HAYNES: Does someone actually go into the

13 house to read the meter when that happens?

14 THE WITNESS: No. This is a van reading, so it

15 can be done from outside.

16 JUDGE HAYNES: So you have equipment in the van

17 that can read the meter?

18 THE WITNESS: And it picks it up.

19 JUDGE HAYNES: And going to the other date in

20 that, is it the reading for that date in there as

21 well?

22 THE WITNESS: Yes, it is. It is August 20,

1 2001 and that would be the very first line. It
2 shows the date, and this was an actual visual
3 reading on August the 20, 2001.

4 MR. McCARTHY: Q. That is the date they
5 terminated service?

6 A. August of 2001, right.

7 Q. So they actually read the meter?

8 A. Yes.

9 Q. All right. Turn your attention to Page 3.
10 Can you tell me what that document is?

11 A. Okay. On Page 3 we just show the degree day
12 and how this information has come from the National
13 Weather Service, which is O'Hare Weather Station at
14 O'Hare Airport.

15 Q. And which period is that one for?

16 A. This is from August 25th of 2000 (sic)
17 through August the 20, 2001.

18 Q. All right. Turning your attention to Page
19 4, what is that document?

20 A. This also tells us the degree days that were
21 present during this period of time from August the
22 20, 2001 through August 19, 2002.

1 Q. Okay. And these are the same degree day
2 numbers that you used in your calculation --

3 A. Exactly.

4 Q. -- or that were used in the calculation?

5 Did you actually do these calculations?

6 A. No, I didn't. The person that did these
7 calculations are no longer with the company. He's
8 retired.

9 Q. Okay. But you have reviewed them?

10 A. I have reviewed them.

11 Q. Are they correct?

12 A. Yes, they are.

13 Q. Turning your attention to Page 5, what is
14 this document?

15 A. Okay. This is the calculation of the actual
16 bill for the unmetered usage once. Again, the dates
17 are August the 20, 2001 through August the 19th of
18 2002, which is a total of 1532 MRD.

19 Q. Where is that shown in the document.

20 A. It's on the upper left-hand corner in the
21 square box.

22 MS. JOANNE UNZUETA: In September he made --

1 could I ask her this question?

2 JUDGE HAYNES: You can ask the question.

3 MS. JOANNE UNZUETA: In September you said that

4 he made a payment of 1,000, right?

5 THE WITNESS: Yes.

6 MS. JOANNE UNZUETA: So then the rest -- the rest

7 of the money he owed is \$500, because if he paid on

8 August 20, 2001 1,000 and 500 will be left off. Why

9 he didn't get papers saying he owned only \$500

10 instead of money increasing or going up?

11 JUDGE HAYNES: Is he asking about this 1532?

12 MS. JOANNE UNZUETA: Yes, because he said in

13 September the payment was made.

14 JUDGE HAYNES: What is this 1532?

15 THE WITNESS: Where are you?

16 MR. McCARTHY: Right here (indicating.)

17 JUDGE HAYNES: On Page 5.

18 THE WITNESS: Okay. The 1,532 this is --

19 it's the CCF or the amount of gas that we're

20 actually charging for, not the money amount.

21 JUDGE HAYNES: Translate that.

22 (A brief pause.)

1 You have translated this for Maria.

2 MS. JOANNE UNZUETA: No, I haven't translated.

3 (A brief pause.)

4 Translated it now. She say it's okay.

5 She can continue.

6 JUDGE HAYNES: She can continue? Okay

7 MR. McCARTHY: Q. Does this calculation does it

8 include the gas charges that the company charges all

9 it's customers over the period in question?

10 **A.** Yes, it does.

11 **Q.** And does it include diversion (sic) charges?

12 **A.** Yes, it do.

13 **Q.** And these are all charges that are in our

14 tariffs?

15 **A.** Exactly.

16 JUDGE HAYNES: Translate.

17 (A brief pause.)

18 MR. McCARTHY: Q. And does it include taxes that

19 are required to be collected by Peoples Gas?

20 **A.** Yes, it does.

21 **Q.** What was the total bill resulting from the

22 degree day calculation for the unauthorized

1 use -- gas use period?

2 **A.** The total bill is \$1,122.42 for unauthorized
3 gas.

4 **Q.** Has Peoples Gas produced a bill to Maria
5 Unzueta for the unauthorized gas usage?

6 **A.** Yes, we have.

7 **Q.** And where is that?

8 **A.** She has it.

9 **Q.** Okay. Turning your attention to Page 6 of
10 this Respondent's Exhibit 2, do you recognize that
11 document?

12 **A.** Yes.

13 **Q.** What is that?

14 **A.** This is the Peoples Gas letter addressed to
15 Maria Unzueta stating that an illegal connection was
16 removed from her home and the total loss of our
17 income is also stipulated in the letter which is
18 \$1,122.42.

19 **Q.** And attached to that -- let's see. Page 7
20 do you recognize this document?

21 **A.** Yes. This is a copy of the bill.

22 **Q.** And how much is the bill for?

1 **A.** \$1,222.42.

2 **Q.** It's to Maria Unzueta?

3 **A.** Yes.

4 **Q.** Had Peoples Gas produced a bill to a
5 different person earlier?

6 **A.** Yes, we did.

7 **Q.** Okay. Who was that?

8 **A.** The name on that bill was Juan Unzueta.

9 **Q.** That's fine. I was just trying to explain
10 two bills.

11 JUDGE HAYNES: This is for the first floor, this
12 Page 7.

13 THE WITNESS: Yes, it is.

14 JUDGE HAYNES: Do you have any further questions
15 for the witness?

16 MR. McCARTHY: Well, No, I don't. I don't at
17 this time.

18 JUDGE HAYNES: Do you have questions for this
19 witness?

20 MR. UNZUETA: Yes.

21 Supposedly he paid \$1,000, right?

22 MS. JOANNE UNZUETA: And then in November he

1 received this bill, right?

2 MR. McCARTHY: Wait. Wait. Let her answer the
3 question. Please answer out loud.

4 THE WITNESS: Okay. Your question isn't in
5 September. You said that he paid 1,000.

6 MS. JOANNE UNZUETA: Okay. In September he paid
7 \$1,000?

8 THE WITNESS: Okay. At that --

9 MS. JOANNE UNZUETA: And then in November he
10 received this?

11 THE WITNESS: Okay. At that time there was a
12 total balance of \$2,627.29. A payment did come in
13 for \$1,000 and that brought it down -- it brought it
14 down to \$1,627.29.

15 MS. JOANNE UNZUETA: But it says right here --

16 JUDGE HAYNES: Translate.

17 (A brief pause.)

18 MS. JOANNE UNZUETA: Okay. He paid on March and
19 he saying that how come they didn't send him
20 something saying, you know, what we paid, \$1,000.
21 As of now you just got to pay this? And that's the
22 only bill paper they gave him. This is the only

1 thing they gave him.

2 JUDGE HAYNES: Does he have a --

3 MS. JOANNE UNZUETA: You compare. You see where

4 you are looking at?

5 JUDGE HAYNES: Did he have a receipt?

6 MR. McCARTHY: Wait. Answer the Judge's

7 question.

8 JUDGE HAYNES: Do they have a receipt? Okay. Do

9 you have a receipt for the payment you said you made

10 in March?

11 MS. JOANNE UNZUETA: He's got a copy.

12 JUDGE HAYNES: Okay.

13 MS. JOANNE UNZUETA: And he's got --

14 JUDGE HAYNES: How many --

15 (Interruption.)

16 Excuse me. How many \$1,000 payments

17 have you made? Okay. Peoples has given you credit

18 for a thousand dollar payment.

19 MS. JOANNE UNZUETA: Supposedly it brings it

20 down.

21 JUDGE HAYNES: Yes. She testified to that. Your

22 total was \$2,627. This bill -- please translate

1 this bill is only for gas after your service was
2 shutoff.

3 MS. JOANNE UNZUETA: One thousand six hundred
4 plus -- how come when he went to see Prado he didn't
5 get one of those bills -- to say he got one of
6 these, instead he got one of those papers?

7 JUDGE HAYNES: I don't know what the paper is.
8 It's not dated.

9 MS. JOANNE UNZUETA: But he said you should look
10 at this or you could see where he's talking about.

11 JUDGE HAYNES: Okay. Okay. Okay. Let her
12 translate.

13 (A brief pause.)

14 MS. JOANNE UNZUETA: He's saying that where does
15 it show here that he paid a thousand dollars?

16 JUDGE HAYNES: Okay. That's a different bill.

17 Ms. Unzueta, I have a question.

18 Okay. Please translate word for word
19 and I do not want Mr. Unzueta to answer.

20 Okay. When did you stop receiving
21 gas from Peoples Gas? What did she just say?

22 MS. MARIA UNZUETA: When they cut it, she don't

1 remember date.

2 JUDGE HAYNES: What did she say?

3 MS. MARIA UNZUETA: It was in August. She don't

4 remember exact date.

5 JUDGE HAYNES: What year? She has to answer that

6 question and I have another question. Was it when

7 they cut the gas off in the street? What did she

8 just said?

9 MS. MARIA UNZUETA: On the first floor, yes, when

10 they cut it from the house.

11 JUDGE HAYNES: When they cut it in the street?

12 Okay. Thank you.

13 MR. McCARTHY: I have --

14 JUDGE HAYNES: Do you have any further questions?

15 Do you have a question? You have to say it

16 so the court reporter can hear.

17 CROSS EXAMINATION

18 BY

19 MS. MARIA UNZUETA:

20 Q. I'm asking about the 8-20, what floor? Was

21 it from the first?

22 A. First floor.

1 Q. First floor.

2 Q. They didn't cut the service at that time.

3 EXAMINATION

4 BY

5 MR. UNZUETA:

6 Q. From August 25, 2000 to August 2001 is 14
7 months. Why did it took -- why did they cut the gas
8 in August? Why they waited until October 7, one
9 year later? That's one year later?

10 MR. McCARTHY: That question's for David Denham.

11 MS. JOANNE UNZUETA: Why it took so long. She
12 said that they got special system. They could
13 measure how much gas you using without going inside
14 the house.

15 JUDGE HAYNES: Those were the van reads, right?

16 MS. JOANNE UNZUETA: Uh-huh.

17 MR. UNZUETA: That's the way they found out or
18 they saw -- or what did they say that they're
19 saying we stole it or went in?

20 MS. JOANNE UNZUETA: This is -- my uncle was in
21 jail. The gas been used 2000 to 2001. Why they
22 going to be stealing gas where they don't got gas

1 and this person's in jail and nobody else renting.
2 If they were renting, they needed gas.
3 MR. McCARTHY: That's not the steal period.
4 Which periods are you talking?
5 MS. JOANNE UNZUETA: 8-2000 --
6 MR. McCARTHY: That's the base period, not the
7 steal period.
8 JUDGE HAYNES: They used the year from August
9 2000 to August 2001 to estimate the year.
10 MS. JOANNE UNZUETA: All this time we didn't have
11 gas since he was put in there all the time since
12 December.
13 JUDGE HAYNES: Do you have any further questions
14 for this witness?
15 MS. JOANNE UNZUETA: No. He say for what. He
16 pay in March. They say that he pay in September.
17 He didn't pay in September. He didn't look for
18 their paper. How can he contact back to you. He's
19 got witnesses, too, neighbors.
20 MR. McCARTHY: I object. They said he received a
21 \$1,000 payment. We received a \$1,000 payment. When
22 we it is irrelevant.

1 MR. UNZUETA: You have the paper for 2001-2002
2 and the payment was in March and you even told my
3 cousin.

4 MS. JOANNE UNZUETA: We look for it then.

5 JUDGE HAYNES: They don't deny that you made a
6 thousand dollar payment.

7 MS. JOANNE UNZUETA: But they're lying about the
8 date. If you lie about the date, you are going
9 to -- they want to put on their side. That's what
10 they want to do, and they're doing it and they did
11 already.

12 JUDGE HAYNES: I don't believe you moved for
13 admission of these exhibits.

14 MR. MCCARTHY: That's true.

15 MS. JOANNE UNZUETA: If we find the paper, when
16 could we bring it in or whatever to show?

17 JUDGE HAYNES: I'm actually going to deny that
18 request because it's not an issue. They have
19 admitted that you made a thousand dollar payment and
20 you have gotten credit for it. It would prove
21 nothing. The question here is --

22 MS. JOANNE UNZUETA: It could prove they're

1 lying about the date.

2 MR. McCARTHY: I object because they're making an
3 assertion. They could have brought their documents
4 in today. If they have such great evidence, I would
5 have thought they brought it. They have receipts
6 for everything else. I suspect the payments was
7 made in September and he's just misrepresenting
8 days, but, as the point remains, it's irrelevant.

9 MS. JOANNE UNZUETA: The other thing he wants why
10 was the same floor with the same amount of money
11 when Juan is living gas upstairs and they're
12 using -- just using the stove? They're not using
13 the heat, so why is the same amount -- the same
14 amount for both?

15 JUDGE HAYNES: Okay. That would be a question
16 for your billing.

17 MS. JOANNE UNZUETA: How come the same amount for
18 both floors when one uses heat and the other one
19 doesn't? They just use the stove.

20 THE WITNESS: With me today, I don't have copies
21 of the second floor.

22 JUDGE HAYNES: Do you have copies of those two

1 bills?

2 MS. JOANNE UNZUETA: Uh-huh.

3 JUDGE HAYNES: I believe they have been provided
4 to Peoples' attorney. Can you show them to this
5 witness so she can explain them. I think one is
6 this one (indicating) and the other is this one
7 (indicating.

8 JUDGE HAYNES: Okay. Okay. Give her an
9 opportunity to explain.

10 MS. JOANNE UNZUETA: Same thing.

11 JUDGE HAYNES: That's your question, which are
12 they the same? Okay. Do not speak. Please let the
13 witness answer your question.

14 THE WITNESS: Okay. The reason for this is that
15 previously we had billed the unmetered portion of
16 gas to Juan Unzueta, but it was actually Maria on
17 the first floor that benefited from the unmetered
18 gas, so the account was rebilled in the name of
19 Maria, so this is the --

20 JUDGE HAYNES: Let her finish now. Okay.

21 MS. JOANNE UNZUETA: Continue.

22 THE WITNESS: Okay. This is just this bill.

1 This is what we're concerned with the bill under
2 Maria's name. The account was rebilled under her
3 name because she benefitted from the unmetered gas.

4 MS. JOANNE UNZUETA: She benefit from both
5 floors?

6 JUDGE HAYNES: Translate her word for word,
7 please.

8 MS. JOANNE UNZUETA: You saying she benefitting
9 from the first floor, right?

10 JUDGE HAYNES: Unmetered gas is what she said.

11 THE WITNESS: We are speaking of unmetered.
12 Previously we did send a bill out under Juan's name
13 and it was for -- it shows for the second floor.
14 Okay. Now as --

15 (A brief pause.)

16 MS. JOANNE UNZUETA: He --

17 JUDGE HAYNES: What did your uncle -- what did
18 your father just say?

19 MS. JOANNE UNZUETA: That in March he have the
20 gas.

21 JUDGE HAYNES: March of what year? Okay. Is
22 there -- do you have a question for this witness?

1 MS. JOANNE UNZUETA: If he got the bill, could he
2 bring --

3 JUDGE HAYNES: His payments?

4 MS. JOANNE UNZUETA: When he -- he's talking
5 about the one in September. She wants to see a
6 lawyer.

7 JUDGE HAYNES: Okay. Does she understand that?
8 You have to translate for her.

9 MS. JOANNE UNZUETA: She's mad about it. She's
10 saying she's stealng. How am I going to do it? I'm
11 going to be digging up a hole and pipes?

12 JUDGE HAYNES: Do you have any further questions
13 for this witness?

14 MS. JOANNE UNZUETA: No.

15 MR. MCCARTHY: Shall I do closing?

16 JUDGE HAYNES: Okay.

17 MS. JOANNE UNZUETA: Could she get like a paper
18 saying she was here, that she came?

19 JUDGE HAYNES: Let me explain how the process
20 works. I will be issuing a written decision based
21 on what I have heard here today, and then she can
22 respond, and if she hires a lawyer, the lawyer can

1 respond to what I write here.

2 MS. JOANNE UNZUETA: Okay.

3 JUDGE HAYNES: Translate.

4 (A brief pause.)

5 MS. JOANNE UNZUETA: They going to put this

6 on --

7 JUDGE HAYNES: And then the Commission votes on

8 what I -- after that.

9 MS. JOANNE UNZUETA: But she wants -- he wants to

10 prove that he came to at least -- that at least he

11 came. Okay.

12 JUDGE HAYNES: On our website we have a copy of

13 this transcript or you can request a copy of the

14 transcript. They'll charge you, but it's free off

15 of our website.

16 MS. JOANNE UNZUETA: Okay. Can you give me the

17 website?

18 JUDGE HAYNES: W.W.W.ICC.State.IL.

19 MS. JOANNE UNZUETA: Dot IL?

20 JUDGE HAYNES: -- dot US.

21 MS. JOANNE UNZUETA: Dot US.

22 JUDGE HAYNES: I can walk you through this after

1 we get off the record. I don't believe there's
2 anything further.

3 Did you need to add anything for
4 the record?

5 MR. McCARTHY: No, unless you want -- unless you
6 want us to summarize, and if you don't, I
7 understand.

8 JUDGE HAYNES: It's not necessary. I'll base my
9 order on what we have here today.

10 MS. JOANNE UNZUETA: We go to court -- other
11 court we just have to say we came here?

12 JUDGE HAYNES: Do you have -- wait for me to
13 issue my order and the Commission will vote on that
14 order, but once I issue my order, you'll get it
15 within a month, let's say approximately.

16 You need to file something with our
17 clerk objecting to if I rule against you. I have
18 not yet decided which way I'm ruling, and if I rule
19 against you, you need to file something with our
20 clerk's office objecting to my order.

21 MS. JOANNE UNZUETA: The same -- in this same
22 office?

1 JUDGE HAYNES: Where you file your actual
2 complaint.

3 MS. JOANNE UNZUETA: Okay. The same place?

4 JUDGE HAYNES: That same place.

5 MS. JOANNE UNZUETA: Okay.

6 JUDGE HAYNES: And then the Commissioners vote on
7 it, and then at that point you can take it to a
8 different court, but you need -- go ahead.
9 Translate.

10 (A brief pause.)

11 MR. UNZUETA: So --

12 JUDGE HAYNES: If you disagree, I recommend you
13 get an attorney.

14 MS. JOANNE UNZUETA: You are the judge, right?

15 JUDGE HAYNES: I am the judge.

16 MS. JOANNE UNZUETA: And your name is?

17 JUDGE HAYNES: Leslie Haynes, H-a-y-n-e-s. Okay.

18 MS. JOANNE UNZUETA: Your last name?

19 JUDGE HAYNES: H-a-y-n-e-s. Okay. Anything
20 else?

21 MS. JOANNE UNZUETA: No.

22 JUDGE HAYNES: This matter is marked heard and

1 taken.

2 MR. McCARTHY: Thank you.

3 JUDGE HAYNES: I don't believe we admitted

4 Respondent's Exhibits 1 and 2.

5 MR. McCARTHY: Two --

6 JUDGE HAYNES: Two I think I --

7 MR. McCARTHY: I think 3 and 4 that are in and 1

8 and 2 that are not.

9 JUDGE HAYNES: Correct. And did you have any

10 objection to these exhibits?

11 MR. UNZUETA: Yes.

12 MS. JOANNE UNZUETA: He thinks it's not correct.

13 JUDGE HAYNES: He thinks they're not correct?

14 Okay.

15 MS. JOANNE UNZUETA: He said -- she said she

16 don't remember, like she works certain times. She's

17 not at home, just my father.

18 JUDGE HAYNES: I understand your objection and

19 I'll take it into consideration when I review these

20 documents, however, I am going to admit them into

21 the record today.

22 MS. JOANNE UNZUETA: Okay.

1 JUDGE HAYNES: So Respondent's Group Exhibit 1
2 and 2 are admitted.

3

4 (Whereupon, Respondent's
5 Group Exhibit No. 1 & 2
6 were received in
7 evidence.)

8 MS. JOANNE UNZUETA: So to get your response, we
9 have got to wait like a month?

10 JUDGE HAYNES: Well, yes. It will come in the
11 mail.

12 We are heard and taken.

13 HEARD AND TAKEN.

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No. 03-0446

State of Illinois
ILLINOIS COMMERCE COMMISSION

(To be filed with the Chief Clerk)

MINUTES

Chicago, Illinois
October 22, 2003

Case No. 03-0446

Subject: MARIA UNZUETA -VS- PEOPLES GAS, LIGHT
AND COKE COMPANY

Complaint as to cut of service in Chicago,
Illinois.

HEARD BY: MS. LESLIE HAYNES,
ADMINISTRATIVE LAW JUDGE

APPEARANCES AND ADDRESSES:

MS. MARIA UNZUETA and MR. MICHAEL UNZUETA,
3536 West Hirsch, Chicago, Illinois, appearing pro
se;

McGUIRE WOODS, by MR. BRIAN McCARTHY, 130 East
Randolph, Suite 2300, Chicago, Illinois, 60601,
appearing for Peoples Gas, Light and Coke Company;

DISPOSITION: HEARD AND TAKEN.

EXHIBITS MARKED: Complainant's Exhibit Nos. 1-5 and
Respondent's Exhibit Nos. 1-4
i.d/ev'd.

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CERTIFICATE OF REPORTER

STATE OF ILLINOIS)
COUNTY OF COOK) SS:
CASE NUMBER: 03-0446
TITLE: MARIA UNZUETA -VS- PEOPLES GAS, LIGHT
AND COKE COMPANY

Complaint as to cut of service in Chicago,
Illinois.

I, Patricia Wesley, do hereby certify that I am
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22nd day of October A.D., 2003; that the foregoing
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shorthand notes so taken as aforesaid, and contains
all of the proceedings direct by the Commission or
other person authorized by it to conduct the said
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Chicago, Illinois, this 1st day of December, A.D.
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Certified Shorthand Reporter